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Official Records

First Committee
23rd Meeting
Thursday, 17 November 1994, 3 p.m.
New York

Chairman: Mr. Valencia Rodriguez . . . . . (Ecuador)

The meeting was called to order at 4 p.m.

Agenda items 57, 58, 61 to 65, 71, 72 and 73 *(continued)*

Action on draft resolutions

The Chairman: I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): I would like to inform the Committee that the following countries have become sponsors of the following draft resolutions:

Draft resolution A/C.1/49/L.22/Rev.1: France, the Russian Federation, Tajikistan, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Draft resolution A/C.1/49/L.30/Rev.1: Djibouti.

The Chairman: I shall now call on representatives who wish to explain their votes.

Mr. Hernandez (Argentina) *(interpretation from Spanish):* The delegation of Argentina wishes to explain its vote on draft resolution A/C.1/49/L.11/Rev.1.

First, in the light of my delegation's position on the general situation in the Middle East, I wish to express once again our deep satisfaction at the great progress that has been made in the ongoing peace process, in particular following the Washington Agreement of September 1993 between the representatives of the Palestinian people and of Israel.

At the same time, Argentina supports the efforts of all countries of the region to achieve a solution to the Arab-Israeli conflict and encourages them to continue those efforts. In this respect, we warmly welcome the recent agreement between the Kingdom of Jordan and Israel.

In the present context, these historic steps towards peace in the region are significant, and we do not believe that draft resolution A/C.1/49/L.11/Rev.1 will really strengthen the process or improve the political climate in the region. On the contrary, it seems to us that the practice of singling out certain States selectively is not the most appropriate way to obtain the acceptance of international treaties by those States. Argentina takes the view that the concerns about the risk of the proliferation of weapons of mass destruction in the region are reflected more faithfully and in a more balanced fashion in draft resolution A/C.1/49/L.16, "Establishment of a nuclear-weapon-free zone in the region of the Middle East".

Mr. Yativ (Israel): I would like to explain our vote on draft resolution A/C.1/49/L.21.

Israel attaches great importance to the establishment of regional confidence-building measures as a necessary step in promoting peace and security in our region. In the special area of regional security and arms control, there is in our view a necessary sequence of confidence-building measures that needs to be followed. It includes measures that in the first instance do not impair the national security of the negotiating partners and can be established on a bilateral or a multilateral basis. These are at the moment being negotiated in the talks of the Working Group on Arms Control and Regional Security in the Middle East.

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Once agreed, they have to be tested over time in order to establish real confidence.

Confidence-building measures of a more pervasive nature — and certainly arms control — require that all States of the region abjure war in settling conflicts and participate in negotiations, followed by a proven and durable peace. Such peace is of course contingent primarily on political accommodation. Israel has demonstrated good will and acted in several areas to establish confidence-building measures with its neighbours; these include the regional communication hub, the promotion of an agreement on search and rescue at sea and an agreement on early notification of predatory activities.

Mr. Than (Myanmar): My delegation would like to explain its vote on draft resolution A/C.1/49/L.11/Rev.1, entitled "The risk of nuclear proliferation in the Middle East".

Myanmar has been a consistent and ardent advocate of nuclear disarmament, non-proliferation of nuclear weapons and other related nuclear-arms-limitation measures. However, we believe that a country-specific draft resolution such as the present one will not help achieve these goals. We are sympathetic to and supportive of the main thrust of the latter part of operative paragraph 1 and the whole of operative paragraphs 2, 3 and 4, which, without being country-specific, call on all States in the region to renounce the nuclear option and to adhere to the non-proliferation Treaty if they have not yet done so. However, we have reservations about the first part of operative paragraph 1, which singles out Israel. For that reason, my delegation abstained in the voting on the draft resolution.

Miss Thomas (Jamaica): My delegation wishes to explain its vote on draft resolution A/C.1/49/L.11/Rev.1.

The Jamaican delegation voted in favour of this draft resolution because Jamaica is a party to the Treaty on the Non-Proliferation of Nuclear Weapons and supports efforts to strengthen this Treaty and prevent further proliferation of nuclear weapons. In previous years Jamaica abstained on resolutions under this agenda item. We appreciate the efforts of the sponsors to bring a more constructive text to the Committee. However, we would have preferred that this text not make specific reference to a single State, as this merely contributes to tensions within the region, and we had hoped that this reference could be avoided in the light of the positive developments in the Middle East peace process.

Mr. Chandra (India): My delegation wishes to explain its vote on the draft resolution on Israeli nuclear armament, which is contained in document A/C.1/49/L.11/Rev.1.

My delegation remains fully supportive, as in the past, of the Middle East peace process and of efforts to build peace and security in the Middle East. While we are at one with the general thrust of the draft resolution, which is directed towards the reduction of the threat of nuclear armaments in the Middle East, we feel that it seeks to address the nuclear issue in a much-too-compartmentalized fashion. Given the global reach of nuclear weapons, the nuclear threat can be effectively dealt with only on a global basis, not on a regional one. We also cannot support the calls upon all States of the region to adhere to the non-proliferation Treaty, as in our view the Treaty is inherently flawed and discriminatory, dividing the world into haves and have-nots, and has done little to curb proliferation. Above all, regional arrangements should be arrived at only on the basis of agreement of all the States of the region concerned, which appears to be lacking in this case.

Accordingly, our delegation was constrained to abstain on this draft resolution. We believe that the Middle East peace process will help reduce the threat to security in the region and will also afford the opportunity to enter into appropriate regional disarmament and confidence-building measures on a consensual basis.

Mr. Baruni (Libyan Arab Jamahiriya) (*interpretation from Arabic*): We voted in favour of draft resolution A/C.1/49/L.11/Rev.1, on Israeli nuclear armament. Nevertheless, we have reservations on certain provisions of the text that imply recognition of Israel. We have reservations also on all parts of the text that deal with the peace process in the Middle East. At a time when the international community is witnessing positive developments in many forums towards ridding the world of nuclear armaments and other weapons of mass destruction, Israel still possesses a large arsenal of nuclear armaments, which undermines peace and security in the region. Israel is perfecting these weapons and their means of delivery even more, despite repeated calls by the international community on Israel to accede to the non-proliferation Treaty and to subject all its nuclear facilities to the system of guarantees of the International Atomic Energy Agency (IAEA). My delegation believes that such calls are not sufficient in themselves: the international community should engage in further efforts to ensure the elimination of all Israeli nuclear weapons, in order to create a world that is more stable and more just for all parties.

Mr. Hoffmann (Germany): I am speaking on behalf of the European Union, as well as the four applicant States and Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia.

The States on whose behalf I have the honour to speak decided to abstain on draft resolution A/C.1/49/L.11/Rev.1, entitled "The risk of nuclear proliferation in the Middle East".

We recognize that substantive and genuine efforts have been made *vis-à-vis* last year's resolution in order to accommodate concerns expressed. However, despite all these efforts, the draft resolution still singles out Israel. We had to abstain for the following reasons: The agenda item "Israeli nuclear armament" and the submission again this year of a draft resolution singling out Israel are not in the spirit of the peace process under way in the Middle East — all the more so since another draft resolution, relating to the establishment of a nuclear-weapon-free zone in the Middle East, which calls upon all States in the region to adhere to the non-proliferation Treaty and welcomes the Mubarak Plan, is adopted each year by consensus. As a result, the group of States for which I am speaking has changed its common vote from "no" to abstention.

Mr. Starr (Australia): The Australian delegation has a number of comments on draft resolution A/C.1/49/L.11/Rev.1, on the risk of nuclear proliferation in the Middle East. My delegation abstained on that draft resolution.

The past year has seen a substantial improvement in the security climate in several parts of the world, including the Middle East, where there are good prospects of further progress in the peace process. In this context, the Middle East Arms Control and Regional Security Working Group has continued its constructive efforts, and Australia has been particularly pleased to support and participate in this work. Australia has consistently urged Israel and other States, both parties and non-parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to live up to the standards of international behaviour set forth in the Treaty. We appeal to the few remaining States not parties to the Treaty, particularly those that operate unsafeguarded nuclear facilities, to adhere to the Treaty.

Australia's abstention on this draft resolution, therefore, should not be interpreted as anything less than complete support for calls on Israel to adhere to the non-proliferation Treaty and to accept full-scope safeguards on all its nuclear facilities. We fully share the concerns expressed in this draft resolution; we also support the establishment in the Middle East of a nuclear-weapon-free zone and a zone free of weapons of mass destruction.

I would also like to comment on the draft resolution contained in document A/C.1/49/L.28. Our abstention on this draft resolution reflects our view that the subject addressed therein is more properly the business of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons and of the Treaty Review and Extension Conference process now in train than of this Assembly.

I should like also to make a comment regarding Australia's abstention on draft resolution A/C.1/49/L.31, on the Convention on the Prohibition of the Use of Nuclear Weapons. Australia has abstained on this draft resolution, because the idea of a convention banning the use of nuclear weapons under any circumstances continues to pose difficulties. It could have implications for the maintenance of strategic stability and deterrence. We would, however, support a single binding assurance by the nuclear-weapon States of non-use of nuclear weapons against non-nuclear-weapon States that are party to the non-proliferation Treaty or similar regional arrangements. The end of the cold war has brought about changes in attitude to the possible use of nuclear weapons, and substantial progress in nuclear disarmament has been achieved over the past three years in particular. Australia continues to support fully all such efforts, including efforts to promote strategic stability in particular regions such as South Asia.

Mr. Wu Chengjiang (China) (*interpretation from Chinese*): I would like to explain my delegation's vote in favour of the draft resolution contained in document A/C.1/49/L.31.

China has always advocated a complete ban on and the total destruction of nuclear weapons. We believe that all nuclear-weapon States should unconditionally renounce the first use of nuclear weapons, guarantee not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-free zones, and start immediately to negotiate and sign a treaty on the non-first use of nuclear weapons against one another. We believe that there should be a convention on the comprehensive prohibition of nuclear weapons, under which all nuclear-weapon States would undertake the obligation to destroy all their nuclear weapons. The implementation of this convention should be subject to effective international supervision.

Based on that position, the Chinese delegation believes that certain language in draft resolution A/C.1/49/L.31 and

in the draft Convention on the Prohibition of the Use of Nuclear Weapons annexed to it need to be discussed further. However, the Chinese delegation supports the purpose and objectives of this draft resolution.

Mr. Alvarez (Uruguay) (*interpretation from Spanish*): The delegation of Uruguay voted in favour of draft resolution A/C.1/49/L.21 in the light of our long tradition of supporting the implementation of confidence-building measures in the framework of strict respect for international law.

Nevertheless, Uruguay has significant reservations on specific provisions of the draft resolution adopted — namely, the seventh and tenth preambular paragraphs and operative paragraph 5. These include language that is not in accord with the traditional language used in this kind of draft resolution, as well as concepts that would be more appropriately dealt with in other contexts and are indeed being addressed in other forums of the General Assembly at this very session.

Mr. Madden (United States of America): I wish to address draft resolution A/C.1/49/L.11/Rev.1.

As a first point, let me say that the United States fully supports universal adherence to the non-proliferation Treaty, and we have made that clear to all States that have not adhered to the Treaty, including Israel. That said, let me explain why the United States has voted against draft resolution A/C.1/49/L.11/Rev.1, on Israeli nuclear armament.

Last year, in view of the changing circumstances in the Middle East, many delegations joined in voting against a draft resolution on Israeli nuclear armament that was one-sided. These delegations stood solidly behind a clearly defined principle — namely, that the draft resolution should not single out Israel for special treatment. Although this year's draft was improved in many areas over last year's text, it regrettably did not erase the distinction in the text between Israel and other regional States that have not signed the nuclear non-proliferation Treaty. We view this year's draft resolution as counter-productive and inappropriate, particularly considering recent progress in the Middle East peace process. In practice, this text does nothing more than duplicate the draft resolution on the Middle East nuclear-weapon-free zone, which we support and expect again to be adopted by consensus.

Mr. Ponce (Ecuador) (*interpretation from Spanish*): My delegation regrets its inability to support the draft resolution contained in document A/C.1/49/L.21. Ecuador has thus departed from its traditional support for the draft resolution we usually adopt on confidence-building measures.

The drafting of the seventh and tenth preambular paragraphs and of operative paragraph 5, incorporating new and wide-ranging concepts of preventive diplomacy, departs from resolution 47/120 A and B and deals with evolving concepts that are being dealt with in other forums. Ecuador was unable, therefore, to support this draft resolution. Operative paragraph 5 also implies the intervention of third parties in conflicts without the consent of the parties to the conflicts or consultation with them. We hope that next year, when the sponsors prepare the draft resolution under this item, they will avoid including concepts that will cause such concerns to delegations, so that we may support a draft resolution whose main purpose Ecuador shares.

Mr. Jaguaribe (Brazil): I would like to explain the vote of our delegation on draft resolution A/C.1/49/L.21.

We voted in favour of this draft resolution because we are strong supporters of confidence-building measures in the context of disarmament, the arms-limitation process and the improvement of the process of peaceful settlement of disputes, as set out in operative paragraph 1 of the present draft resolution. We feel, however, that the present drafting of operative paragraph 5 leaves room for ambiguity in relation to when and how the cooperation of other States may take place.

Mr. Tanaka (Japan): I would like to explain Japan's abstention in the voting on draft resolution A/C.1/49/L.31.

Japan, the only country to have suffered a nuclear attack, honestly desires that the use of nuclear weapons, which cause unspeakable human suffering, never be repeated. It thus attaches great importance to efforts directed towards the ultimate elimination of nuclear weapons. Japan considers that in the present international situation, where nuclear weapons do exist, it is more important to achieve steady progress in nuclear non-proliferation and nuclear disarmament through, for example, the efforts of nuclear-weapon States to take specific nuclear-disarmament measures through the strengthening of the non-proliferation Treaty and efforts to ban all nuclear tests, including the early conclusion of a comprehensive nuclear-test-ban treaty, rather than through seeking to conclude a convention on the prohibition of the use of nuclear weapons, as proposed in draft resolution A/C.1/49/L.31.

Mr. Baruni (Libyan Arab Jamahiriya) (*interpretation from Arabic*): We abstained on draft resolution A/C.1/49/L.21 because we had reservations about certain parts of it.

We welcome the Register of Conventional Weapons, and we stress the importance of providing information about purchases of weapons, but my country has in fact eliminated the use of conventional weapons by its forces. We therefore agree only with those provisions of the draft resolution covering transparency. Indeed, transparency in the military field should cover all types of weapons, including weapons of mass destruction and other similarly harmful weapons. Since the nuclear capability continues to exist in certain countries — and we have referred to Israel's nuclear capability — we have reservations about the seventh and eighth preambular paragraphs and operative paragraphs 3 and 5.

Mr. Madden (United States of America): Earlier today my delegation voted against draft resolution A/C.1/49/L.28, concerning the 1995 Review and Extension Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

I would like to reserve the right to make a statement in explanation of vote at a later time.

The Chairman: I shall now call on those delegations wishing to introduce draft resolutions.

I call first on the representative of the United States of America, who will introduce draft resolution A/C.1/49/L.44/Rev.1.

Mr. Madden (United States of America): On behalf of the United Kingdom of Great Britain and Northern Ireland, the Russian Federation and the United States of America, I am pleased to introduce the draft resolution entitled "Bilateral nuclear-arms negotiations and nuclear disarmament", which appears in document A/C.1/49/L.44/Rev.1.

This draft resolution is sponsored by the following countries: Argentina, Armenia, Australia, Belgium, Bulgaria, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, New Zealand, Poland, Portugal, the Russian Federation, Spain, Sweden, Turkey, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

This draft resolution notes and welcomes recent achievements in the nuclear field, including actions towards the ratification of START I and the Lisbon Protocol, the continuing implementation of the Treaty between the United States of America and the former Union of Soviet Socialist Republics on the Elimination of Intermediate-Range and Shorter-Range Missiles (INF Treaty), steps towards reducing the number of nuclear weapons and removing such weapons from a deployed status, and agreements on the targeting of strategic nuclear missiles. The draft resolution also welcomes the accession to the non-proliferation Treaty of Belarus and Kazakhstan and states that similar action by Ukraine would be welcomed. Looking forward, the draft resolution urges early implementation of START II, encourages and supports the United States and the Russian Federation in their efforts to reduce their nuclear arsenals, and encourages them to continue to give those efforts the highest priority in order to contribute to the elimination of nuclear weapons.

The sponsors of draft resolution A/C.1/49/L.44 had hoped to have a single consensus draft resolution on this subject, as was the case last year. Unfortunately, this did not prove possible. We hope none the less that draft resolution A/C.1/49/L.44/Rev.1 will enjoy widespread support among United Nations Member States and will be adopted without a vote.

The Chairman: I now call on the representative of Germany, who will make a statement on behalf of the European Union concerning draft resolution A/C.1/49/L.27.

Mr. Hoffmann (Germany): Speaking on behalf of the European Union and the four applicant States, as well as Romania, I wish to inform the Committee that we have decided, with some regret, that no action should be taken at this session of the First Committee on draft resolution A/C.1/49/L.27, entitled "Code of Conduct for the international transfers of conventional weapons". We have taken this decision in the light of views conveyed to us by members of the Committee.

In agreeing to this, I should like to remind the Committee that the sole purpose of this short procedural draft resolution was to acknowledge the importance of the issue and to recommend that discussion take place in the most appropriate forum on all aspects of the question. It was never our intention to prejudge the outcome of those discussions with the adoption of this draft resolution. The countries for which I speak hope that it will be possible at a later stage to hold meaningful discussions on this

important matter, on which we believe it will be possible to find much common ground.

Finally, I should like to thank, on behalf of the delegations for which I am speaking, all the other sponsors of the draft resolution for their support and encouragement.

The Chairman: I shall now call on those delegations wishing to make statements.

Mr. Nayeck (Mauritius): My delegation wishes to make a brief statement on draft resolution A/C.1/49/L.2, on the African nuclear-weapon-free zone.

The African nuclear-weapon-free-zone treaty has been on the agenda of the United Nations for more than 30 years, ever since the first nuclear explosion was detonated on the African continent. The Organization of African Unity (OAU) was seized of this matter as early as 1964, when the Heads of State and Government in Cairo declared their commitment to making Africa a nuclear-weapon-free zone. Regrettably, though, their laudable initiative has taken a long time to materialize.

My country is a party to all major disarmament treaties and was among the first to ratify the chemical weapons Convention. We believe, however, that some more constructive efforts are needed to refine the draft African nuclear-weapon-free-zone treaty; in particular, annex I to the treaty, defining the treaty's zone of application, has not yet been finalized. This should be a litmus test for those concerned as to whether they really want to see the whole of Africa a nuclear-weapon-free zone or have parts of Africa excluded from the zone. On the eve of the Review and Extension Conference on the non-proliferation Treaty, the world community will be closely watching whether the nuclear Powers declare their willingness to adhere to Protocol III of the Treaty, and therefore whether their commitments are genuine.

My delegation would oppose the dismembering of Africa and the territory of the States members of the Organization of African Unity (OAU) into parts, some of which would be in the African nuclear-weapon-free zone while others would not. We wish to see the whole territory of the States members of the OAU, as per all its resolutions, included in the African nuclear-weapon-free zone.

My delegation wishes to put on record its appreciation of the work done by the United Nations-OAU Group of Experts, which after only a few meetings has produced a draft treaty for an African nuclear-weapon-free zone. We insist, however, that another meeting of the United Nations-OAU Group of Experts be convened as early as possible to iron out the remaining outstanding issues of the treaty. As we shall be celebrating the fiftieth anniversary of the United Nations next year, my delegation sincerely hopes that the long-overdue African nuclear-weapon-free-zone treaty will be adopted by consensus.

Mr. Hoffmann (Germany): I am speaking on behalf of the European Union and on behalf of Austria, Finland, Norway and Sweden to explain our position on draft resolutions A/C.1/49/L.38 and A/C.1/49/L.44/Rev.1, both of which are entitled "Bilateral nuclear-arms negotiations and nuclear disarmament".

We had hoped to see a single consensus resolution on this subject, as was the case last year. We regret that this did not prove to be possible. In particular, we regret that draft resolution A/C.1/49/L.38 omits the references to the Treaty on the Non-Proliferation of Nuclear Weapons that appear in operative paragraph 5 of draft resolution A/C.1/49/L.44/Rev.1. For this reason we decided to co-sponsor draft resolution A/C.1/49/L.44/Rev.1 but not draft resolution A/C.1/49/L.38. We hope very much that it will be possible to have a single consensus resolution next year.

The Chairman: The Committee will now proceed to take a decision on draft resolution A/C.1/49/L.38, listed in cluster 1.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.38, entitled "Bilateral nuclear-arms negotiations and nuclear disarmament", was introduced by the representative of Indonesia on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries at the 15th meeting of the Committee, on 9 November 1994. It is sponsored by Indonesia on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

The Chairman: The sponsors of this draft resolution have expressed the wish that it be adopted by the Committee without a vote. Since I hear no objection, I take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/49/L.38 was adopted.

The Chairman: We shall now proceed to draft resolution A/C.1/49/L.44/Rev.1, also contained in cluster 1.

A recorded vote has been requested on this resolution.

I call on the Secretary of the Committee to conduct the voting.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.44/Rev.1, entitled "Bilateral nuclear-arms negotiations and nuclear disarmament", was introduced by the representative of the United States of America at the 23rd meeting of the Committee, on 17 November 1994, and it is sponsored by the following countries: Argentina, Armenia, Australia, Belgium, Bulgaria, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Russian Federation, Spain, Sweden, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

A recorded vote was taken.

In favour:

Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guinea, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe

Against:

None

Abstaining:

India, Namibia

*Draft resolution A/C.1/49/L.44/Rev.1 was adopted by 122 votes to none, with 2 abstentions.**

The Chairman: The Committee will now proceed to take a decision on draft resolution A/C.1/49/L.2/Rev.1, which is listed in cluster 11. The financial implications of this draft resolution are contained in document A/C.1/49/L.50.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.2/Rev.1, entitled "Establishment of an African nuclear-weapon-free zone" and with programme budget implications as contained in document A/C.1/49/L.50, was introduced by the representative of Benin on behalf of the States Members of the United Nations that are members of the African Group of States at the Committee's 20th meeting, on 15 November 1994. It is sponsored by the following countries: Australia, Canada, Gambia on behalf of the States Members of the United Nations that are members of the African Group of States, and San Marino.

The Chairman: The sponsors of draft resolution A/C.1/49/L.2/Rev.1 have expressed the wish that it be adopted by the Committee without a vote. As I hear no objection, I take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/49/L.2/Rev.1 was adopted.

The Chairman: I shall now call on those delegations wishing to explain their positions or votes.

Mr. Chandra (India): My delegation wishes to explain its vote on resolution A/C.1/49/L.44/Rev.1, which has just been adopted.

In our view, it is unfortunate that two draft resolutions should have been introduced on the same subject, namely, "Bilateral nuclear-arms negotiations and nuclear

disarmament". Given the fact that draft resolution A/C.1/49/L.38 had already been introduced, we saw no reason for the introduction of draft resolution A/C.1/49/L.44/Rev.1; it was and is essentially a duplication. Moreover, we cannot go along with the laudatory references to the non-proliferation Treaty, given our own well-known views on the Treaty, which we cited earlier today in another statement in explanation of vote.

It is those factors that compelled us to abstain on this draft resolution.

Mr. Tauwhare (United Kingdom): The United Kingdom was happy to join the consensus on the draft resolution which has just been adopted on the establishment of a nuclear-weapon-free zone in Africa and the text of which is contained in document A/C.1/49/L.2/Rev.1.

We very warmly commend the work already done by the Group of Experts in drawing up the draft treaty. A carefully prepared and well-drafted treaty, acceptable to all States in the region, will be an important contribution to the cause of the non-proliferation of nuclear weapons and to international peace and security. We strongly hope that a treaty acceptable to all potential signatories can be completed and signed in early 1995. I might add that, given the difficult financial climate facing the United Nations, we were pleased to note from the programme-budget-implications statement that the costs of the meeting of experts envisaged in operative paragraph 9 are to be met by the redeployment of existing resources.

Mr. Berdennikov (Russian Federation) (*interpretation from Russian*): As a consistent supporter of the establishment of nuclear-free zones in various parts of the world, Russia supported the adoption without a vote of draft resolution A/C.1/49/L.2/Rev.1, on the establishment of a nuclear-weapon-free zone in Africa.

We believe it is important that the future treaty establishing such a zone in Africa not contain any loopholes whereby its nuclear-free status could be violated. All the nuclear activities of States within a nuclear-free zone must be placed under the safeguards of the International Atomic Energy Agency (IAEA). We also believe that the transit of nuclear weapons through the zone is unacceptable, as is the stopping in ports or airports within the zone of aircraft or vessels with nuclear weapons on board, except in emergency situations or other *force majeure* circumstances, with the consent of the receiving party. At the same time, passage through the seas of the zone of vessels which do not have nuclear weapons on board but which are equipped with nuclear-power sources should be permitted.

Mr. Jaguaribe (Brazil): I wish to explain my delegation's vote on draft resolution A/C.1/49/L.44/Rev.1.

Although we regret that it was not possible to have a single draft resolution on this item, as in previous years, we voted in favour of draft resolution A/C.1/49/L.44/Rev.1 because we are in agreement with its basic thrust and content. We would like to state, however, that our favourable assessment of this draft resolution does not affect our assessment of the Treaty on the Non-Proliferation of Nuclear Weapons, which is cited in operative paragraph 5. We support the non-proliferation objectives of that Treaty, but we believe that the draft resolution goes beyond strict non-proliferation objectives and creates a political statement with which we are not in agreement.

The Chairman: The representative of the Russian Federation wishes to make a statement.

Mr. Berdennikov (Russian Federation) (*interpretation from Russian*): In the light of the statement made yesterday in the First Committee by the representative of Ukraine, Ambassador Zlenko, I should like to inform delegations of the following statement that was made yesterday, 17 November 1994, at a briefing for the Ministers for Foreign Affairs of the Russian Federation:

> "In Moscow, we commend the efforts of the Ukrainian Government to resolve the question of Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968. In this connection, we note with satisfaction the news regarding the adoption by the Supreme Council of Ukraine of a law on the accession to that Treaty.
>
> "However, we cannot fail to take note of the fact that adoption of this law is accompanied by certain conditions, the contents of which are such that it is not clear in which category — as a nuclear-weapon State or as a non-nuclear-weapon State — Ukraine intends to accede to the Treaty on the Non-Proliferation of Nuclear Weapons. This question is of great importance, both in and of itself and in connection with the fact that in the Lisbon Protocol to START I, as well as in the trilateral statement by the Presidents of Russia, Ukraine and the United States dated 14 January 1994, Ukraine undertook the obligation to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State.

"Answers to these questions are necessary, in particular because at the present time the depositaries of the Treaty on the Non-Proliferation of Nuclear Weapons are completing work on a document on the security guarantees required by Ukraine as a non-nuclear-weapon State. We fully understand the importance of clarity with regard to all of these issues."

The Chairman: I have been informed by the sponsor of the draft amendments contained in document A/C.1/49/L.48 to draft resolution A/C.1/49/L.16 that these draft amendments will not be pressed to action.

I would like to remind members that tomorrow is the last day of work for the First Committee, the Committee on disarmament and international security. For organizational purposes, I would recall that tomorrow action will be taken on the draft resolutions contained in the following documents: A/C.1/49/L.16, A/C.1/49/L.22, A/C.1/49/L.25, A/C.1/49/L.33/Rev.1, A/C.1/49/L.36, A/C.1/49/L.39, A/C.1/49/L.18/Rev.1, A/C.1/49/L.17/Rev.1, A/C.1/49/L.30/Rev.1 and A/C.1/49/L.34/Rev.1.

The meeting rose at 5.15 p.m.

ANNEX

Changes in recorded and/or roll-call votes

Draft resolution A/C.1/49/L.44/Rev.1

Subsequent to the voting, the delegations of Bahrain, Guatemala, Kuwait, Nepal, Saudi Arabia and the United Arab Emirates advised the Secretariat that they had intended to vote in favour.

United Nations A/C.1/49/PV.24

General Assembly
Forty-ninth Session
Official Records

First Committee
24th Meeting
Friday, 18 November 1994, 10 a.m.
New York

Chairman: Mr. Valencia Rodriguez . . . . . (Ecuador)

The meeting was called to order at 11.15 a.m.

Agenda items 53 to 66, 68 to 73 and 153 *(continued)*

Action on draft resolutions submitted under all disarmament and international security agenda items

The Chairman: At this morning's and this afternoon's meetings, the Committee will take decisions on the remaining draft resolutions contained in clusters 1, 5 and 11, namely, draft resolutions A/C.1/49/L.16/Rev.1, A/C.1/49/L.22/Rev.1, A/C.1/49/L.25/Rev.1, A/C.1/49/L.33/Rev.1, A/C.1/49/L.36, A/C.1/49/L.39, A/C.1/49/L.18/Rev.1, A/C.1/49/L.17/Rev.1, A/C.1/49/L.30/Rev.2 and A/C.1/49/L.34/Rev.1.

We have received a request to postpone action on draft resolutions A/C.1/49/L.39 and A/C.1/49/L.30/Rev.2 until this afternoon.

Mr. Kheradi (Secretary of the Committee): I would like to inform the Committee that the following countries have become sponsors of the following draft resolutions: A/C.1/49/L.22/Rev.1, Peru and China; A/C.1/49/L.39, Chile.

Mr. Ledogar (United States of America): I would like to make the following statement on behalf of the three depositary Governments of the Nuclear Non-Proliferation Treaty (NPT) — the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Yesterday we heard a statement on behalf of the Secretary-General concerning the financial implications of the draft resolution contained in document A/C.1/49/L.28. In connection with that statement by the representative of the Secretary-General, the three depositary Governments find it necessary to make the following points.

First, we were pleased to hear that the United Nations will not incur any financial obligations as a result of this draft resolution because, as stated, any such financial obligations would be attributable to the States Parties of the NPT as a result of decisions taken by those Parties in accordance with the relevant procedures within the framework of the Treaty. Secondly, we note that the NPT States Parties have not undertaken any such decision. Consequently, no monies for such a project have been allocated. Accordingly — and this is the final point — we assume that the Secretary-General will not take any steps to implement this draft resolution unless any such financial decision is taken by the States Parties.

The Chairman: The Secretariat has taken note of the statement of the representative of the United States.

Since no other delegation wishes to explain its position on decisions taken yesterday, we shall now proceed to hear statements by delegations wishing to introduce draft resolutions. The list of speakers is as follows: Egypt and Mexico.

Mr. Karem (Egypt): It gives me pleasure to introduce draft resolution A/C.1/49/L.16/Rev.1, which is the product of intensive consultations. Since the original draft resolution was previously introduced to the Committee, I shall now focus only on the three basic additions to the original text.

94-87124 (E)

This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief, Verbatim Reporting Section, Room C-178, and incorporated in a copy of the record. Corrections will be issued after the end of the session in a consolidated corrigendum.

Two carefully worded — and I repeat, carefully worded — new preambular paragraphs have been introduced. May I point out that, while the new ninth preambular paragraph just "takes note", both paragraphs remain in the preambular part of the draft resolution.

The addition to the operative section was made with the same degree of care and caution. The new operative paragraph 4, I remind the Committee, is taken verbatim from operative paragraph 4 of the General Conference resolution of the International Atomic Energy Agency (IAEA) on the application of IAEA safeguards in the Middle East, which the General Conference of the Agency has adopted by consensus for the past four years. The particular language of operative paragraph 4 was introduced in 1993 in Vienna and since then has become part of the consensus language in the IAEA. All delegations in the General Conference of the IAEA join that consensus.

This year marks the twentieth anniversary of the introduction in 1974 by Iran — and later by Egypt — of the draft resolution on the establishment of a nuclear-weapon-free zone in the Middle East. For the past 14 years we have adopted this draft resolution by consensus, reflecting intraregional as well as extraregional support for this initiative, and we hope to see its objectives soon realized and implemented. In the same spirit of preserving consensus on this draft resolution, which has become over the years an edifice and a cornerstone of non-proliferation efforts and disarmament initiatives in the region, we hope that the First Committee this year will once again mark and uphold the consensus tradition, which we have enjoyed and cherished for a long time.

Mr. Marín Bosch (Mexico) (*interpretation from Spanish*): We should like to refer to draft resolution A/C.1/49/L.25/Rev.1.

The original draft was submitted to the Committee on 7 November. The revision consists of the addition by the sponsors of a new final paragraph in the operative part, requesting the inclusion of the item "Step-by-step reduction of the nuclear threat" in the provisional agenda of the General Assembly's fiftieth session. This reflects the sponsors' wish to establish and maintain a dialogue with all United Nations Members on this item of fundamental importance.

The proposal contained in draft resolution L.25/Rev.1 constitutes a modest attempt to advance multilateral consultations on the process of nuclear disarmament. As the draft itself indicates, that process is complex. It covers different phases and negotiations at the multilateral, pentagonal and bilateral levels, and even contemplates the possibility of unilateral measures. It is a gradualist approach that we know many countries find interesting and even attractive. But we are also aware that, for various reasons, some of those countries are not yet in a position to lend their support to L.25/Rev.1. We regret this and wish to reiterate our willingness to continue to examine this question in the coming months. We are convinced that this draft resolution offers an appropriate means to bring us closer to the goals we have all set ourselves in this field.

Mr. Ramaker (Netherlands): I wish to introduce the revised draft resolution on transparency in armaments, document A/C.1/49/L.18/Rev.1. My delegation is fully aware of the differing views of how the United Nations Register of Conventional Arms is or should be functioning or should be further developed. The revised draft resolution aims at consolidating the momentum gained by the United Nations Register of Conventional Arms. Following consultations with a number of Member States, it tries to meet the concerns they might have about the Register's performance and scope, and tries to meet them as realistically as possible. More particularly, the revised draft resolution requests Member States to give their views on the continuing operation of the Register and its further development and on transparency measures related to weapons of mass destruction.

Draft resolution A/C.1/49/L.18/Rev.1 requests the Secretary-General, with the assistance of a group of governmental experts to be convened in 1997, on the basis of equitable geographical representation, to prepare a report on the continuing operation of the Register and its further development. Another group of experts is important, in our view, for monitoring the performance of the Register, and for further developing and improving it, thereby enhancing the Register's value as a confidence-building measure.

The draft resolution also invites the Geneva Conference on Disarmament to consider continuing its work undertaken in the field of transparency in armaments in general, thereby leaving it entirely to the Conference on Disarmament to decide on whether and how it should do so.

As in the case of many other issues relating to arms control and international security, in dealing with the concept of transparency in armaments and the United Nations Register of Conventional Arms we should not focus on the text exclusively, but should focus more on the substance of the matter we are dealing with. As part of a

wider effort to promote transparency and openness in military matters, the United Nations Register of Conventional Arms is, in our view, a simple and useful instrument giving official information on international transfers of seven categories of conventional weapons. By creating transparency, the Register promotes restrained and responsible behaviour, leading to greater confidence and stability among States. It seems to us that it serves the security interests of all States alike, not only those of individual States or groups of States.

The first two years of the Register's operation showed that it is widely appreciated by United Nations Member States for what it is — a confidence-building measure. We hope that draft resolution A/C.1/49/L.18/Rev.1 will meet with an expression of that support and appreciation.

The Chairman: I shall now call on delegations wishing to explain their positions before decisions are taken on draft resolutions on which the Committee is to take action today. I should note that a request has been received to postpone until this afternoon a decision on draft resolution A/C.1/49/L.34/Rev.1.

Mr. Yarka (Papua New Guinea): I wish to place on record my delegation's position on the draft resolution contained in document A/C.1/49/L.36, which relates to the "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons".

My delegation will vote in favour of the draft resolution. However, I wish at the outset to make it quite clear that our support should not in any way be viewed as an attempt to prejudice the views of the International Court of Justice. Nor should our support be perceived as an attempt to exert political pressure on the Court to come to a particular decision on these issues. The Court should and must maintain its tradition of impartiality and neutrality.

Papua New Guinea fully respects and supports the complete sovereignty and independence of the Court in reaching a decision that should not be viewed as being influenced by any external forces or circumstances. Our own national Constitution also guarantees and respects the absolute independence and integrity of the judiciary system, and we would naturally be compelled to uphold that principle.

Our support for the draft resolution is purely based on and in conformity with our overall standing policy on total disarmament and our continued interest in and desire to see the establishment of a global environment that perpetuates and guarantees complete peace and security. We therefore believe that an opinion from the International Court of Justice would surely facilitate, among other things, further progress towards the strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons and complete disarmament.

Mr. Ledogar (United States of America): I wish to explain forthcoming United States votes on two draft resolutions in cluster 1. First of all, the United States vote on draft resolution A/C.1/49/L.25, entitled "Step-by-step reduction of the nuclear threat": my delegation will vote "no" on that draft resolution, and strongly encourages others to do the same. This draft resolution seeks to establish a target list of nuclear-arms-control and disarmament measures to be accomplished within a set time frame, that is, it calls for negotiations against artificial and unrealistic deadlines. As the events of the past five years have illustrated, the pace of arms-control progress cannot be predicted with certainty, and could not have been dictated by contrived agendas or timetables. Priorities for negotiation in this area are in fact driven by the political requirements of the security environment, and not by academic design.

More important, and much to our dismay, this draft resolution ignores, perhaps intentionally, the fact that real progress has been accomplished in recent years or is under way as we speak. Indeed, most of the initiatives recommended in the draft resolution are already the subject of discussion and/or action by the nuclear-weapon States, either unilaterally, bilaterally or multilaterally, and by the international community within the various multilateral forums. Examples of current efforts ignored or overlooked in this draft resolution include the negotiations in the Conference on Disarmament on a comprehensive nuclear-test ban and the moratoriums on nuclear testing in force by most nuclear-weapon States.

The draft resolution chooses to ignore efforts in the Conference on Disarmament to commence negotiations on a cut-off of the production of fissile material, although we note with regret that the cut-off initiative is being stymied by some of the very countries that support this draft resolution. The draft resolution chooses to ignore unilateral United States steps to cease production of highly enriched uranium and plutonium. It chooses to ignore the withdrawal of United States nuclear weapons from high-alert status and the detargeting agreement between the United States and Russia, and detargeting by other nuclear-weapon States. The draft resolution chooses to ignore the dismantlement by

the United States of over 2,000 nuclear weapons per year, which is the fastest rate that is technically possible at this time.

The draft resolution chooses to ignore steps by the United States to ensure the safe and secure storage of its nuclear weapons, to remove special nuclear material from these dismantled warheads, and to convert special nuclear materials for use in non-weapon purposes. Finally, the draft resolution overlooks, or chooses to ignore, transparency measures and defence-conversion measures by the United States related to its nuclear-weapon arsenal and infrastructure.

The United States shares an interest in making more progress towards disarmament, and agrees that it is essential that all countries continue to seek ways to support the many ongoing efforts to promote such progress. However, given all the efforts already under way, we view this draft resolution as unnecessary and redundant at best; at worst, the effect of this draft resolution could be to slow or undermine the efforts of the nuclear-weapon States and others to make continued progress in these important areas.

Finally, many of the initiatives raised in this draft resolution touch on areas vital to United States security. Although some items are appropriate for multilateral consideration, some are not. We do not foresee a role for the Conference on Disarmament or any other multilateral body in negotiations involving such initiatives, which are best dealt with individually, bilaterally or collectively by the nuclear-weapon States.

I shall now explain our forthcoming vote on draft resolution A/C.1/49/L.39, the South Atlantic region as a nuclear-weapon-free zone. My delegation intends to vote "no". The United States has long supported in principle the development of nuclear-weapon-free zones as a non-proliferation measure. Such zones, when properly constituted, can enhance international stability and security. The United States already supports a nuclear-weapon-free zone in Latin America, under the Treaty of Tlatelolco, and we welcome progress towards its full entry into force. Equally, we support the concept of a properly constituted zone in Africa, and we welcome ongoing efforts towards conclusion of a treaty for that purpose.

But the place for the United Nations to endorse those activities is in the separate draft resolutions on those two subjects, which have once again achieved consensus in this Committee. To do so in a new draft resolution is unnecessary and redundant. It also runs counter to the First Committee's efforts to streamline its agenda.

This draft resolution calls for turning an unspecified region of the South Atlantic into a nuclear-weapon-free zone, while saying nothing about the means by which that objective might be pursued. My delegation cannot accept an objective framed in that way, let alone "solemnly endorse" it, as the draft resolution invites us to do in its paragraph 4. The specific language of the draft resolution also raises other concerns for the United States. Chief among them are the potential negative effects on navigational freedom. Imposing the objective of turning the South Atlantic into a nuclear-weapon-free zone, the draft resolution purports to extend its effects onto the high seas. This is directly contrary to international law as reflected in the United Nations Convention on the Law of the Sea, which does not recognize limits on freedom of navigation in such waters for warships or merchant vessels. The draft resolution's language on the use of the high seas for peaceful purposes would further have the effect of incorporating restrictions not accepted under international law.

Compounding these defects, the draft resolution does not even address other significant navigational freedoms protected by international law within straits, territorial seas and exclusive economic zones. Such freedoms are of paramount interest to all maritime nations and to all countries that support the rule of law in international affairs. It would be unfortunate for this Committee to adopt a draft resolution so contrary to the United Nations Convention on the Law of the Sea during the very week in which the Convention is entering into force.

For those reasons my delegation intends to vote "no" on draft resolution A/C.1/49/L.39, and we urge others not to support it.

Mr. Hoffmann (Germany): I would like to speak on draft resolution A/C.1/49/L.25/Rev.1, entitled "Step-by-step reduction of the nuclear threat". The European Union and the four countries that have applied for membership in the Union cannot support that draft resolution. The Conference on Disarmament determines its own agenda according to the principle of consensus. This draft resolution seeks to interfere with the autonomy of the Conference on Disarmament by recommending measures to be commenced during the next five- and 10-year periods. Moreover, the draft resolution does not take into account the foreseeable burden of work the Conference on Disarmament has to cope with. The ongoing negotiations on a comprehensive test-ban treaty will be very

time-consuming. In addition, we all hope that negotiations on a cut-off convention for the production of fissile material will start next year; they will leave little room for other issues, at least for the foreseeable future.

The European Union regrets in particular that the draft resolution recommends a timetable for the possible negotiations to be established in 1995. Everybody should be aware that 1995 will be a particularly critical year, when all efforts should be devoted to the negotiation of a comprehensive test-ban treaty.

Mr. Floreni (France) (*interpretation from French*): Beyond what the representative of Germany has said on behalf of the European Union, my delegation wishes to express its views on draft resolution A/C.1/49/L.25 on a "Step-by-step reduction of the nuclear threat". My delegation will vote against that draft resolution because, far from offering a new approach to nuclear disarmament as its authors would have us believe it does, the text is actually a return to obsolete rhetoric on a comprehensive disarmament programme which does nothing to revitalize the discussion on nuclear weapons.

It can, therefore, only serve to further the objectives of those who, refusing to recognize the new realities of the present-day international situation, attempt to continue to single out the nuclear Powers in order to make them bear the sole responsibility for disarmament. That approach is to ignore the aggravation of the threat posed not only by the proliferation of weapons of mass destruction in the nuclear field, but also by chemical and bacteriological weapons. It also disregards the risks created by the excessive accumulation of conventional weapons, in particular in areas of tension. It is tantamount to a rejection of one absolutely clear fact, which is that nuclear disarmament is a question that must be dealt with by all.

We would have been pleased to be able to support a new approach to this issue, but for that, there would have had to be a recognition of the progress achieved with regard to the control of nuclear weapons and recent changes in military doctrines. Note should have been taken of multilateral negotiations that are under way at the present time on the prohibition of nuclear-weapons testing and of the willingness of nuclear-weapon States to begin negotiations on the prohibition of the production of weapons-grade fissile material. Some mention should have been made of the growing risks inherent in nuclear proliferation.

Given the present international situation, an appeal for new agreements in the field of nuclear disarmament should recognize that such disarmament would be facilitated by respect for existing legal instruments and by consolidating the non-proliferation regime, in particular through an unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The authors of draft resolution L.25, however, were not inspired by such realism, but took an ideological approach reflecting an international situation that has today, fortunately, become a part of the past.

Those are the considerations that will oblige my delegation to vote against the adoption of that draft resolution.

Mr. Sy (Senegal) (*interpretation from French*): I shall be brief. Despite repeated appeals by the delegation of Senegal, some delegations have felt that they should submit draft resolution A/C.1/49/L.36 on behalf of the members of the Movement of Non-Aligned Countries. My country not only deplores this but would like, at the same time, to state that we cannot in any way support the draft resolution.

Mr. Amar (Morocco) (*interpretation from French*): I should like to make some comments on draft resolution A/C.1/49/L.36, which decides to request the International Court of Justice to render an advisory opinion on the threat or use of nuclear weapons. The Kingdom of Morocco would propose that the Committee not take action on the draft resolution, particularly since the consensus on this subject among the Movement of Non-Aligned Countries has been seriously eroded, and that the reasons behind postponing the matter at the forty-eighth session are still there. We would move that the Committee not take action on the draft resolution in order to allow for further consultations between the countries involved. We hope that this motion not to take action will be supported by all the members of the Committee.

My delegation wonders whether the introduction of such a draft resolution truly serves the wishes of the First Committee with respect to nuclear disarmament. Morocco believes that it would be inappropriate to request the International Court of Justice to render an advisory opinion on such an abstract and theoretical question as the legality of the threat or use of nuclear weapons in any circumstances. In 1993, the World Health Organization (WHO) adopted a resolution requesting the Court to render an advisory opinion on this same question. That opinion is still under consideration, and the ICJ is currently examining the memorial sent by at least 27 countries. We feel that any

new political initiative within the First Committee aimed at bringing an identical question before the Court should be viewed as an attempt to prejudge the opinion of the Court with regard to the request by WHO.

Adoption of this draft resolution would be a clear demonstration that political motivations are involved and could be interpreted as a desire to exert pressure on the ICJ with a view to obtaining a particular ruling. The delegation of Morocco feels that an advisory opinion on a question that is essentially a political one that has given rise to many controversies will have no practical effect, since we do not believe that any weapons have ever been limited or prohibited by any means other than the negotiating of a treaty. We feel that this initiative will not help diplomatic efforts now under way to fight the proliferation of nuclear weapons. States with nuclear weapons as well as those without them should have the political will to make progress in this area.

I hope that my motion not to take action on the draft resolution will be adopted without a vote.

The Chairman: The representative of Morocco has moved, within the terms of rule 116 of the rules of procedure, that no action be taken on the request contained in document A/C.1/49/L.36. Rule 116 reads as follows:

> "During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote."

I now call upon the first representative wishing to speak in favour of the motion.

Mr. Hoffmann (Germany): With respect to draft resolution A/C.1/49/L.36, requesting an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons, I associate myself with the representative of Morocco and wish to support his proposal to move that no action be taken on the draft resolution within the terms of rule 116 of the rules of procedure.

I would like to point out that not only Germany but the entire European Union as well regret having failed to convince the sponsors of draft resolution L.36 to withdraw it and have decided that they cannot support it.

I believe that the subject of this draft resolution is not appropriate for the First Committee. At the 1993 World Health Assembly a resolution was adopted seeking the opinion of the International Court of Justice on the legality of the use of nuclear weapons. A further draft resolution along similar lines was submitted by the non-aligned countries at this Committee's 1993 session. It was not put to a vote. Progress with the World Health Assembly request is such that the International Court of Justice is now examining submissions made to it by at least 27 States. Any further initiative in the First Committee to ask a similar question of the Court could be seen as an attempt to prejudice the view of the Court on the World Health Assembly request.

A United Nations resolution would do nothing to help the ongoing consideration of the questions by the International Court of Justice and might adversely affect the standing of both the First Committee and the Court itself. It could also have wider adverse implications on non-proliferation goals which we all share.

Mr. Gajda (Hungary): Very briefly, my delegation associates itself fully with the position just presented by the representative of Germany, speaking on behalf of the European Union, concerning the merit of the draft resolution contained in document A/C.1/49/L.36. Secondly, and more important, the delegation of Hungary is fully conscious of the reasons for the motion put forward by the representative of Morocco and, in appreciation of those reasons, and in accordance with rule 116 of the rules of procedure, the delegation of Hungary wishes to second the motion on no action.

The Chairman: In accordance with rule 116, the Committee has heard two speakers in favour of the motion. I shall now call on those representatives who wish to speak against it.

Mr. Wiranataatmadja (Indonesia): I would like to put it on record that my delegation opposes the motion on no action moved by the delegation of Morocco.

Mrs. Londoño Jaramillo (Colombia) (*interpretation from Spanish*): I oppose the motion that no action be taken on draft resolution A/C.1/49/L.36, and Colombia will vote against that motion, moved by Morocco.

The Chairman: The Committee will now take a decision on the motion submitted by the representative of Morocco that no action be taken on draft resolution A/C.1/49/L.36.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Andorra, Argentina, Armenia, Australia, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Israel, Italy, Japan, Latvia, Luxembourg, Mali, Malta, Marshall Islands, Micronesia (Federated States of), Morocco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Sierra Leone, Slovakia, Slovenia, Spain, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Afghanistan, Algeria, Bahamas, Bangladesh, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cape Verde, Chile, Colombia, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Samoa, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Abstaining:

Antigua and Barbuda, Austria, Azerbaijan, Cameroon, Côte d'Ivoire, El Salvador, Ireland, Jamaica, Liechtenstein, Lithuania, New Zealand, Niger, Republic of Moldova, San Marino, Sweden

The motion that no action be taken on draft resolution A/C.1/49/L.36 was rejected by 67 votes to 45, with 15 abstentions.

The Chairman: The Committee will now take a decision on draft resolution A/49/L.36. I shall now call on those representatives who wish to explain their votes before the voting.

Mr. Berdennikov (Russian Federation) (*interpretation from Russian*): Since the proposal that no action be taken on draft resolution A/C.1/49/L.36 was rejected and the draft resolution will, unfortunately, be put to a vote, we would like to explain the reasons for our vote on the draft resolution before the voting.

The Russian delegation will vote against the draft resolution. We believe that the question of the advisability of the use of nuclear weapons is above all a political, not a legal problem. This is because of the nature and significance of nuclear weapons themselves, which have not been used since the war. Since the Charter of the United Nations and the statutes of the International Court of Justice came into force, nuclear weapons have been considered in States' doctrines not so much as a means of warfare but as a deterrent to war, especially global conflicts. They are therefore different from other weapons, in that they have a political function in the world today.

The very existence of nuclear weapons is accepted in international law and there is a wide range of international norms regulating them. There are many effective international bilateral and multilateral instruments in force, aimed in particular at the non-proliferation, non-deployment, limitation and reduction of nuclear weapons, test bans and other controls over these weapons. Further progress along these lines, through strengthening the non-proliferation regime and in particular arriving at a comprehensive nuclear-test ban and further radical reductions in the nuclear arsenals of all nuclear-weapon States, we feel would be the most reliable way to rid mankind of the nuclear threat.

Unfortunately, draft resolution A/C.1/49/L.36 has another purpose, which makes it impossible for us to support it. We shall vote against the draft resolution.

Mr. Errera (France) (*interpretation from French*): Putting draft resolution A/C.1/49/L.36 to the vote is a regrettable action, whose implications should be thoroughly considered. France will vote against the draft resolution.

It will do so, first, because the matter it posits is itself unacceptable. The very request for an advisory opinion on the legality of a particular category of arms is tantamount to questioning the inalienable right of any State or group of States to remain sovereign, as long as they comply with international law, in the choice of their means of defence. Such an approach is a blatant violation of the United Nations Charter. It goes against law; it goes against reason.

My country has chosen to base its defence on nuclear deterrence — in other words, on a doctrine oriented not towards victory in battle, but towards avoiding war. This doctrine has made it possible to ensure peace and stability in Europe. It remains the cornerstone of our security.

Those who think that they can deny sovereign States their right to defend themselves by any means recognized by applicable international instruments, or who think that a tribunal should be established to prosecute acknowledged nuclear Powers, should think twice. One day, they themselves could be called upon to defend the legitimacy of the means they use to ensure their security.

The second reason why France will vote against this draft resolution is that the means chosen is no less defensible. Trying to utilize for partisan purposes so respected an international institution as the International Court of Justice entails a very serious responsibility: that of putting at risk the credibility of the Court by leading it away from its mission. Indeed, who can seriously believe that the question posed is a legal one? It is, as we all know, a purely political issue.

As for the moment chosen to launch this initiative, it can only be termed dismal. Need I recall that, for the first time since the invention of nuclear weapons, the entire international community is engaged in multilateral negotiations on a universal and verifiable treaty on a comprehensive nuclear-test ban, and that important progress on this issue has already been achieved at Geneva?

So we can only wonder what kind of message is being sent to the nuclear Powers, at a time when they daily demonstrate that they are fully shouldering their responsibilities and that they are standing fully behind their commitments. Is this draft resolution trying to tell them that their efforts are worthless, that they deserve nothing but censure? Or are we to understand that, at the very moment when disarmament is steadily becoming a reality, some long for the days when it was nothing more than a rhetorical issue? Are these countries — ever ready to condemn nuclear deterrence — afraid of having to take their own share of responsibility? Are they perhaps trying to conceal the fact that in many regions of the world, the build-up of conventional weapons and clandestine programmes to acquire weapons of mass destruction and their delivery systems are a factor in the proliferation of conflicts and a sign of hegemonic claims entertained by some.

France will vote against this draft resolution also because, if we want progress towards a safer and more equitable world, everyone must recognize the necessity for responsibilities and obligations to be shared. It would make no sense to anyone that the nuclear Powers alone should be the only ones to have to respond to the new expectations of the international community, while others would remain free to play the games of the past.

When the spirit of responsibility exists, it leads to real progress. Let us not ruin this collective effort by obsolete methods, which might serve the purposes of a few, but which are certainly contrary to the interests of the overwhelming majority.

Mr. Cassar (Malta): My delegation would like to refer to draft resolution A/C.1/49/L.36. Last year, Malta was among those in favour of having a draft resolution on this subject withdrawn. The primary concern then was the impact that such a draft resolution would have on other negotiations in the field of nuclear disarmament, arms control and non-proliferation. Within the Non-Aligned Movement, to which we belong, we raised the question of withdrawal of the draft resolution. Unfortunately, our request was not acted upon by the Movement.

The primary concern then, as I said, was the impact of such a draft resolution. The impression of the delegation of Malta is that the same reasoning as prevailed last year persists now. In view of these circumstances, my delegation will vote against the draft resolution.

Mr. Hoffmann (Germany): For the reasons I have pointed out, the European Union and its applicant States cannot support draft resolution A/C.1/49/L.36.

Sir Michael Weston (United Kingdom): The United Kingdom is firmly convinced that draft resolution A/C.1/49/L.36 can make no positive contribution whatsoever to existing disarmament efforts. On the contrary, it carries a number of serious risks which we hope delegations will consider carefully before they vote.

First, the draft resolution can do nothing to help the ongoing work by the International Court of Justice on the similar question from the World Health Assembly. On the contrary, it risks being seen as a deliberate attempt to exert political pressure over the Court to prejudice its response. This could have serious implications for the standing of the General Assembly and, indeed, of the Court itself.

Secondly, this draft resolution can do nothing to further the various positive diplomatic efforts under way in the field of nuclear disarmament, arms control and non-proliferation, notably on a comprehensive test-ban treaty. On the contrary, at a time when real progress is being achieved in a range of areas, it can only serve to confuse and complicate the basis on which countries enter into such negotiations and to harden positions.

Thirdly, this draft resolution can do nothing to further global peace and security. On the contrary, a legal opinion on this essentially political and hypothetical question risks seriously undermining confidence in existing multilateral treaties. This in turn could serve to undermine the security of all those who put their trust in these treaties.

Fourthly, this draft resolution risks serving the interests of those who wish to distract attention from the destabilizing accumulation of conventional arms and from clandestine programmes aimed at acquiring weapons of mass destruction and developing delivery systems.

This draft resolution could impose heavy costs. It offers no benefits in return. Its wider implications could seriously affect the security of us all. We therefore urge delegations not to support it.

Mr. Moradi (Islamic Republic of Iran): I should like to give my delegation's position on draft resolution A/C.1/49/L.36, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons".

My delegation fully supports this draft resolution. This issue has been given extensive consideration by the members of the Non-Aligned Movement, which led to the submission of this draft resolution this year. We are of the view that the international community in general and peace-loving nations in particular should explore every avenue to create a world free from nuclear weapons and other weapons of mass destruction.

In submitting such draft resolutions, their sponsors are exercising their rights under the United Nations Charter, which encourages Member States to seek advisory opinions from the International Court of Justice on issues that they deem important. We believe that the draft resolutions do not run contrary to the resolution adopted last year by the World Health Organization on the same issue, but indeed complement and supplement them. Moreover, on the eve of the 1995 Non-Proliferation Treaty Review and Extension Conference this draft resolution is a positive contribution to that Conference as well.

My delegation will vote in favour of this draft resolution, and encourages other members of the Committee to cast a positive vote on it.

Mr. Marín Bosch (Mexico) (*interpretation from Spanish*): The States Members of the United Nations, as we were reminded today, are committed to defending the rule of law. In our respective countries, there are courts of law responsible, *inter alia*, for considering all types of legal matters, sometimes very delicate ones, and for handing down opinions on them.

The founders of the United Nations wished to give the Organization a similar legal body; hence, the close relationship in the Charter between the United Nations and the International Court of Justice. Draft resolution A/C.1/49/L.36 is part of this relationship and cannot be qualified or described in the terms which were used by some this morning and which others seek to impose. The draft resolution was originally submitted last year; in the meantime, with the firm support of the Government of Mexico, the World Health Organization has already formulated a request to the Court concerning similar, but not identical, aspects of this matter. We have no fear of turning to the International Court of Justice in order to ask it to state impartially its position on this question of fundamental importance.

My delegation will vote in favour of the draft resolution and asks all those countries which are committed to international legitimacy and the rule of law to do the same.

Mr. Al-Hammadi (United Arab Emirates) (*interpretation from Arabic*): My delegation will not participate in the voting on draft resolution A/C.1/49/L.36.

Mr. Whannou (Benin) (*interpretation from French*): My delegation wishes to speak in explanation of vote on draft resolution A/C.1/49/L.36.

Benin's commitment to the philosophy and principles of non-alignment is well-known to this body. The Movement of Non-Aligned Countries has made a contribution to the multipolarization of international relations and to the establishment of an era of reduced risk of global confrontation. With competence and dedication, Indonesia has led the Movement's work since its tenth historic summit meeting in Jakarta, in September 1992. It

has contributed to a renewal of multilateralism and has strengthened the ability of the United Nations to meet effectively and rapidly the challenges currently facing it, such as disarmament and development. The delegation of Benin is grateful to the representative of Indonesia for the efforts he has made to preserve the Movement's unity of action and credibility.

The delegation of Benin wishes to take the opportunity of the First Committee's action on draft resolution A/C.1/49/L.36 to make known, as announced during the general debate, the views of its Government on the substance and form of the issues to be submitted for the consideration of the International Court of Justice, namely, whether there are circumstances in which international law authorizes the threat or use of nuclear weapons. We must ask ourselves above all whether this approach serves the well-known concerns of the non-aligned countries with regard to nuclear disarmament in particular.

Indeed, we are well aware that the political position of the non-aligned countries in the field of disarmament has always been in favour of general and complete disarmament under international control. This explains our quest to eliminate all nuclear arsenals, which pose a threat and a constant danger to the entire international community, if only because of the risk of accident. The question to be put to the Court does not touch upon such fundamental issues as the testing, production, stockpiling, proliferation and dissemination of nuclear weapons. Any response from the Court could represent, in our view, no more than an impediment to the process of the elimination of this modern-day scourge.

Furthermore, on the procedural level, we do not find this step pertinent or relevant, in that all delegations have, ever since the end of the cold war, expressed satisfaction at the various initiatives in the control and limitation of armaments. Moreover, the Conference on Disarmament, entrusted with negotiating, on behalf of the international community, multilateral agreements on disarmament of a universal nature and scope such as the one on the prohibition on chemical weapons, has, *inter alia*, begun negotiations on a comprehensive nuclear-test-ban treaty. We know that the work of the Review Conference on a partial-test-ban treaty, aimed at turning it into a treaty on a comprehensive ban, did not make progress because of the reluctance, and even the opposition, of nuclear-weapon States, which, because of the positive changes that have taken place on the international scene — more and more characterized by understanding, dialogue and cooperation — have now begun to show a spirit of openness.

Furthermore, in accordance with the draft resolution contained in document A/C.1/49/L.31, the General Assembly would, in the course of its current forty-ninth session, reiterate its request to the Conference on Disarmament to undertake negotiations, as a matter of priority, in order to reach agreement on an international agreement prohibiting the use or threat of use of nuclear weapons in any circumstances.

The international community also aspires to strengthen the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Disarmament is a political process of negotiating tending towards the conclusion of binding agreements by the parties involved, which are concerned primarily for their own security. Is it not important to avoid any possibility of a new international rivalry, which would cast a shadow over all positive developments? Benin is convinced that the force and the effectiveness of disarmament measures and agreements lie more in the acceptance by the parties concerned of the conclusions of their negotiations than in any legal opinion, which, in the final analysis, can rule on only one aspect of a subject that is of great concern for the international community.

Multilateral disarmament takes place within the global framework of the activities of the General Assembly, where Member States exercise their sovereign right. A ruling, even an advisory opinion, by the Court would constitute a precedent that would prejudice that right. The present situation thus requires no recourse whatever to the International Court of Justice as one of the preventive measures advocated by the Secretary-General in his important report, "An Agenda for Peace", and endorsed in particular by resolution 47/120 of 18 December 1992 and 47/120 B of 20 September 1993.

In view of all the foregoing, the delegation of Benin, which cannot endorse any initiative that is inadequate or inopportune and therefore not in the general interest, would have preferred not to have this draft resolution submitted on its behalf, but my delegation would also have wished that the motion not to take action had been adopted. Like the delegation of Morocco, we feel that the motion not to take action would have made it possible to go back to informal consultations for further discussion. But all these attempts were unsuccessful, and that is why our delegation will vote against this draft resolution.

The Chairman: The Committee will proceed to take action on draft resolution A/C.1/49/L.16/Rev.1.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.16/Rev.1, entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East", was introduced by the representative of Egypt at the 14th meeting of the Committee, on 7 November 1994, and it is sponsored by Egypt.

The Chairman: The sponsors of this draft resolution have expressed the wish that the draft resolution be adopted by the Committee without a vote. If I hear no objection, I shall take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/49/L.16/Rev.1 was adopted.

The Chairman: We will now proceed to take action on draft resolution A/C.1/49/L.22/Rev.1.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.22/Rev.1, which is entitled "Comprehensive nuclear-test-ban treaty", and which has programme budget implications as indicated in document A/C.1/49/L.51, was introduced by the representative of New Zealand at the 13th meeting of the Committee, on 4 November 1994. It is sponsored by the following States: Afghanistan, Algeria, Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Kazakhstan, Kenya, Kuwait, Latvia, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Papua New Guinea, Peru, Philippines, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Senegal, Singapore, Slovakia, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, Tajikistan, Thailand, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Viet Nam.

The Chairman: The sponsors of this draft resolution have expressed their wish that the draft resolution be adopted by the Committee without a vote. If I hear no objection, I shall take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/49/L.22/Rev.1 was adopted.

The Chairman: We will now proceed to take action on draft resolution A/C.1/49/L.25/Rev.1.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.25/Rev.1, entitled "Step-by-step reduction of the nuclear threat", was introduced by the representative of Mexico at the Committee's 14th meeting, on 7 November 1994, and it is sponsored by the following countries: Algeria, Brazil, Colombia, Ecuador, Egypt, India, Indonesia, Malaysia, Mexico, Nigeria, United Republic of Tanzania and Zimbabwe.

The Chairman: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Chile, Colombia, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Andorra, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Israel, Italy, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Albania, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bulgaria, Canada, Estonia, Georgia, Iceland, Ireland, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Marshall Islands, Micronesia (Federated States of), New Zealand, Republic of Korea, Republic of Moldova, Russian Federation, Slovenia, Swaziland, Sweden, The Former Yugoslav Republic of Macedonia, Ukraine

Draft resolution A/C.1/49/L.25/Rev.1 was adopted by 91 votes to 24, with 30 abstentions.

The Chairman: The Committee will now proceed to take action on draft resolution A/C.1/49/L.33/Rev.1.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.33/Rev.1, entitled "Nuclear disarmament with a view to the ultimate elimination of nuclear weapons", was introduced by the representative of Japan at the Committee's 14th meeting on 7 November 1994 and is sponsored by Japan.

The Chairman: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

None

Abstaining:

Brazil, Cuba, Democratic People's Republic of Korea, France, India, Israel, United Kingdom of Great Britain and Northern Ireland, United States of America

Draft resolution A/C.1/49/L.33/Rev.1 was adopted by 140 votes to none, with 8 abstentions.

The Chairman: The Committee will now proceed to take action on draft resolution A/C.1/49/L.36.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): The voting will now commence on draft resolution A/C.1/49/L.36, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons". This draft resolution was introduced by the representative of Indonesia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, at the Committee's 15th meeting on 9 November 1994, and is sponsored by Indonesia on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

The Chairman: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Bahamas, Bangladesh, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cape Verde, Chile, Colombia, Costa Rica, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Samoa, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Andorra, Belgium, Benin, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Israel, Italy, Latvia, Luxembourg, Malta, Netherlands, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Slovenia, Spain, The Former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Cameroon, Canada, Ireland, Jamaica, Japan, Liechtenstein, Lithuania, Marshall Islands, Niger, Norway, Republic of Moldova, San Marino, Sweden, Ukraine

Draft resolution A/C.1/49/L.36 was adopted by 77 votes to 33, with 21 abstentions.

The Chairman: The Committee has taken decisions on all draft resolutions in cluster 1. I shall now call on delegations wishing to explain their votes after the voting.

Mr. Westdal (Canada): I wish to explain Canada's votes on draft resolutions A/C.1/49/L.25/Rev.1, entitled "Step-by-step reduction of the nuclear threat", and A/C.1/49/L.36, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons".

With respect to draft resolution A/C.1/49/L.25/Rev.1, Canada shares the goal of nuclear disarmament and of a treaty on general and complete disarmament under strict and effective international control, as called for in article VI of the non-proliferation Treaty. However, in our view, in the current draft resolution there is a proposal for a rigid schedule of negotiations that does not take into account political and strategic realities. By seeking to impose a specific, step-by-step approach to reduce the nuclear threat it implicitly calls into question the current agenda of efforts in this regard, particularly those under way in the Conference on Disarmament. This is surely not the intention of the sponsors of draft resolution A/C.1/49/L.25, but it is the effect.

The draft resolution also contains language in the fourth and sixth preambular paragraphs which my delegation finds excessive and cannot accept. Nor can we accept the assertion in the eleventh preambular paragraph that global disarmament efforts lack an overall sense of direction. We would also urge the sponsors of the text to consider whether the tasks outlined for the Conference on Disarmament are in fact reasonable and attainable.

For these reasons, my delegation abstained in the vote on this draft resolution.

With respect to draft resolution A/C.1/49/L.36, Canada has been a leading proponent of negotiations and of international treaties aimed at eliminating the number and the proliferation of nuclear weapons. We are strong advocates of an indefinite extension of, and universal accession to, the Non-Proliferation Treaty and of the conclusion of negotiations on a comprehensive test-ban treaty.

We also vigorously support international negotiations to prevent the transfer of nuclear-weapons technology and materials, to reduce and eventually eliminate existing stocks and to ban the production of fissile materials for nuclear-weapons purposes.

The Canadian Minister of Foreign Affairs, Mr. André Ouellet, most recently reiterated my Government's commitment to these goals in his statement to the General Assembly in September. We believe that the negotiation of, and adherence to, binding multilateral treaties of the kind just mentioned constitute a more

effective approach to the ultimate elimination of nuclear weapons than an advisory opinion of the International Court of Justice.

We further believe that the number and pace of current negotiations on such treaties amply demonstrate the commitment on the part of all States to such negotiations.

Canada is also concerned that the process of seeking an advisory opinion of the International Court could have a negative impact on certain of these ongoing negotiations by diverting attention from them.

Finally, given that the question posed in the draft resolution is for all intents and purposes already before the Court, and that States that wish to make submissions on the issue have done so already, we also question whether the draft resolution serves a useful purpose at this time.

Given these considerations, Canada abstained on the draft resolution.

Mr. Starr (Australia): My delegation has just abstained on the draft resolution contained in document A/C.1/49/L.36 on seeking an opinion from the International Court of Justice on the legality of nuclear weapons.

While we sympathize with the principles motivating the many well intentioned proponents of this measure both within and outside the Committee, we believe the initiative and that already adopted by the World Health Assembly to be misguided.

Australia's own strong and active commitment to nuclear disarmament and non-proliferation is well known, but we are concerned that seeking an advisory opinion from the International Court of Justice on this issue could have an adverse rather than a positive effect on efforts to advance the process of nuclear disarmament.

On the whole, we believe the question is unsuitable for adjudication. It clearly goes beyond a definable field of judicial inquiry and enters into the wider realms of policy and security doctrines of States.

I would also like to explain my delegation's vote on draft resolution A/C.1/49/L.25, on the step-by-step reduction of the nuclear threat.

Australia is appreciative of the positive intentions which inspired the development of the draft resolution on the step-by-step reduction of the nuclear threat. Australia shares the goal of full, verifiable and enforceable nuclear disarmament. We also support many of the individual steps towards disarmament and towards assurance of non-proliferation of weaponry and delivery systems which are identified in the draft resolution.

The principal reason for Australia's abstention on the draft resolution today is a concern regarding operative paragraph 3, in which it is recommended that the Conference on Disarmament develop an indicative timetable for the negotiation of these steps.

Some of the suggested negotiations are in fact already under way, and we believe that the process of agreeing a timetable would actually risk delaying, hindering or complicating those negotiations.

In particular, we would not wish the Conference on Disarmament to be distracted in any way from what is rightly its highest priority current task, namely, to expedite and conclude the negotiation of a comprehensive test-ban treaty without delay. It is within the context of such a concentration of its energies that we consider it fully realistic to look to the Conference to conclude substantially the comprehensive test-ban treaty early next year and to be in a position to move forward in a businesslike fashion to initiate the negotiation of a convention on fissile cut-off.

Mr. Ekwall (Sweden): I should like to explain Sweden's vote on draft resolution A/C.1/49/L.36, entitled "Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons".

It is well known that for decades Sweden has worked actively and consistently for nuclear disarmament and for an ultimate total ban on nuclear weapons, but my Government abstained on the draft resolution. It is the view of my Government that, taking into account the recent request made to the International Court of Justice by the World Health Organization on this topic, one further request to the Court would probably cause an unfortunate delay in the ongoing work of the Court on the issue of the legality of the use of nuclear weapons. My Government is of the opinion that the use of nuclear weapons would not comply with international law, and is anxious that the legal situation be clarified as soon as possible by the Court.

In this context, the Swedish Government would like to recall that last June, in connection with a request from the World Health Organization, Sweden officially stated to the International Court of Justice that the use of nuclear arms

would not be in accordance with international law. This reply was based on a report by the Standing Committee on Foreign Affairs of the Swedish Parliament, which was approved by our Parliament last June.

The Parliament stated, *inter alia*, that a principle has existed in international law ever since the turn of the century that belligerents do not have an unrestricted right to choose weapons or methods of combat. In the Parliament's opinion, the use of nuclear weapons would be restricted by the principles of distinction and proportionality under customary international law, as they relate in particular to civilian population and property, and by other general fundamental legal principles recognized by civilized nations.

The Parliament further noted in its report that the principle of proportionality is embodied in the law of the United Nations Charter. Reprisals which are disproportionate in comparison with the provocation which preceded them are prohibited.

It would be difficult to regard this principle as consistent with the use of nuclear weapons in retaliation against an attack using conventional weapons.

The meeting rose at 1 p.m.

United Nations A/C.1/49/PV.25

General Assembly
Forty-ninth
First Committee
25th Meeting
Friday, 18 November 1994, 3 p.m.
New York

Official Records

Chairman: Mr. Valencia Rodriguez . . . . . (Ecuador)

The meeting was called to order at 3.40 p.m.

Agenda items 57, 58, 61, 62, 64, 71 and 72 *(continued)*

Action on draft resolutions submitted under disarmament and international security agenda items

The Chairman: The Committee will at this meeting proceed to take decisions on the remaining draft resolutions in clusters 1, 5 and 11 — namely, draft resolutions A/C.1/49/L.39, A/C.1/49/L.18/Rev.1, A/C.1/49/L.17/Rev.1, A/C.1/49/L.30/Rev.2 and A/C.1/49/L.34/Rev.1.

I shall first call on those delegations wishing to explain their votes or positions on draft resolutions in cluster 1 on which action has already been taken.

Mr. Espinosa (Chile) *(interpretation from Spanish)*: I should like to explain Chile's vote on draft resolution A/C.1/49/L.36.

My delegation believes that this is not the time to request an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons. In our opinion, it is difficult to synchronize this request with consideration of the World Health Organization's similar request and with the draft convention on the prohibition of the use of nuclear weapons, to be negotiated in the Conference on Disarmament, a convention contained in the annex to draft resolution A/C.1/49/L.31, for which my delegation voted. However, feeling that it should be guided by the majority in the Movement of Non-Aligned Countries, my delegation voted for draft resolution A/C.1/49/L.36.

Mr. Tanaka (Japan): I should like to explain Japan's abstention in the votes on draft resolutions A/C.1/49/L.25/Rev.1 and A/C.1/49/L.36.

Japan, with its unique past experience, honestly desires that the use of nuclear weapons, which would cause unspeakable human suffering, should never be repeated. It thus attaches great importance to the efforts directed towards the ultimate elimination of nuclear weapons.

The fact that draft resolution A/C.1/49/L.25/Rev.1 provides specific measures and time frames for the whole process of nuclear disarmament is worthy of appreciation. But, we understand that, although the proposals contained in the draft resolution are quite detailed, they are not the product of a coordination of the views of the countries concerned, such as the United States, the Russian Federation and other nuclear-weapon States. Japan, which seeks to promote real nuclear disarmament by means of steady disarmament efforts, cannot regard the draft resolution as having been formulated on the basis of appropriate consideration and consultation, and therefore could not support it.

With respect to draft resolution A/C.1/49/L.36, Japan considers that, in the present international situation, pursuing the question of the legality of the use of nuclear weapons may simply result in confrontation between countries. Japan therefore believes that it is more appropriate to steadily promote realistic and specific disarmament measures.

Mr. Troug (Libyan Arab Jamahiriya) *(interpretation from Arabic)*: My delegation voted in favour of draft

94-87130 (E)

This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Section, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

resolution A/C.1/49/L.16/Rev.1. However, our affirmative vote certainly does not mean that my country recognizes Israel or that we accept certain elements in the text relating to the peace process in the Middle East.

While we welcome the establishment of a nuclear-weapon-free zone in the region, we draw the attention of the international community to the fact that its aspirations, however noble, can be realized only if the whole world boldly faces up to the Israelis, who possess an enormous arsenal of nuclear weapons, with more than 200 nuclear warheads, not to mention other weapons of mass destruction that they continue to develop. This situation cannot be conducive to realization of the dream of establishing a nuclear-weapon-free zone in the Middle East.

We request the international community to take the necessary steps to help destroy Israel's nuclear weapons and other weapons of mass destruction. The Israelis must also submit their nuclear facilities to the International Atomic Energy Agency (IAEA). Only thus can the Middle East become a nuclear-weapon-free zone.

Mr. Kim Chang Guk (Democratic People's Republic of Korea): My delegation abstained in the voting on draft resolution A/C.1/49/L.33/Rev.1 because we find that it contradicts the fact that Japan is pursuing nuclear power. Because of Japan's statement, in its official opinion submitted to the International Court of Justice, in compliance with the resolution of the World Health Organization, that the use of nuclear weapons is not in violation of international law, we are very much concerned that Japan may be legally recognizing possession and use of nuclear weapons, which is against its widely propagated three non-nuclear principles. My delegation is worried that the draft resolution could mislead world public opinion, spreading a smokescreen over Japan's nuclear ambition.

Mr. Moradi (Islamic Republic of Iran): I wish to express my delegation's reservations on the ninth preambular paragraph and operative paragraph 4 of draft resolution A/C.1/49/L.16/Rev.1, entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East".

Our position with respect to the recent agreements and negotiations in the Middle East is quite clear and well known. We do not believe that they will lead to the full restoration of the inalienable rights of the Palestinian people and the achievement of justice in the Middle East. For this reason, we have strong reservations on elements of the ninth preambular paragraph and operative paragraph 4. Those paragraphs prescribe a specific option for realizing peace and security in the region, which runs counter to the guidelines and recommendations for regional approaches to disarmament adopted by the Disarmament Commission in 1993.

We are convinced that the establishment of a nuclear-weapon-free zone in this region at an early date is the most viable way to realize peace and security in the Middle East. This has been Iran's consistent position since 1974, when it initiated a nuclear-weapon-free zone in the Middle East and introduced what became draft resolution 3263 (XXIX) of 9 December 1974. At present the main obstacle to realization of this initiative is Israel's refusal to join the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and to put its nuclear-weapon programme under International Atomic Energy Agency (IAEA) safeguards. Therefore, that entity's attempt to introduce irrelevant and extraneous elements into the text of this traditional draft resolution is nothing but an attempt to misrepresent the main purpose of the draft resolution and divert the attention of the international community from its threatening nuclear-weapon programme.

Mr. Yativ (Israel): I would like to explain my delegation's position on draft resolution A/49/C.1/L.16/Rev.1.

Israel's attitude with regard to the draft resolution, with its new additions, which was adopted by consensus, was influenced by the fact that it now includes some new, important and positive elements that reflect the changing reality of the Middle East. However, Israel has strong reservations with regard to the modalities contained in the draft resolution.

It remains for me, however, to place on record the Government of Israel's policy on the nuclear issue, which is based on four principles: comprehensiveness, regional framework, a step-by-step approach and the primacy of the peace process.

The first principle is comprehensiveness. The nuclear issue should be dealt with in the full context of the peace process as part of the overall discussions on all regional security problems — conventional and non-conventional.

The second principle concerns a regional framework. Nuclear non-proliferation will be achieved and assured only by establishing the Middle East as a verifiable nuclear-weapon-free zone.

The third principle is a step-by-step approach. Practicality dictates that the process be begun with confidence- and security-building measures, establishing relations of peace between all States and reconciliation between all peoples of the region and, in due course, complementing the process by dealing with conventional and non-conventional arms control, with priorities assigned to systems that experience has proved to be destructive and destabilizing.

The fourth principle is the primacy of the peace process. Negotiations on all the issues involved in the security of the region have to take place freely and directly, the way in which they are conducted, in fact, in the bilateral and Arms Control and Regional Sources multilateral talks within the framework of the peace process. Israel strongly supports the concept of establishing the Middle East as a nuclear-weapon-free zone. This should be freely and directly negotiated between all States of the region and should include for mutual verification arrangements.

Israel feels bound only by those provisions of the present draft resolution that are in accordance with its policy. Israel therefore does not see itself committed to the modalities of this draft resolution in future negotiations, including those of the working group on arms control and regional security. We hope that the consensus reached here, modest though it is, will contribute to the good will and moderation so needed for the crucial effort we all have to invest in the ongoing peace process.

Mr. Hasan (Iraq) (*interpretation from Arabic*): My delegation joined the consensus on draft resolution A/C.1/49/L.16/Rev.1, "Establishment of a nuclear-weapon-free zone in the region of the Middle East." However, we would like to place on record our reservations with regard to the ninth preambular paragraph and paragraph 4, since they do not give prominence to the role that international organizations, such as the United Nations and the International Atomic Energy Agency (IAEA), play in the efforts to establish a nuclear-weapon-free zone in the region of the Middle East. The failure to mention the participation and support to be extended to such an initiative by international organizations will give some parties in the region the opportunity to continue their bilateral and regional negotiations indefinitely, without achieving any substantive results. They will accordingly avoid any international commitment, foremost among which is adherence to international disarmament treaties.

Mr. Pálsson (Iceland): I wish to explain my delegation's vote on draft resolution A/C.1/49/L.25/Rev.1. The good intentions of its authors notwithstanding, the proposal as a whole presents, in our view, a flawed picture of ongoing efforts in the area of nuclear arms control and disarmament. It also betrays a lack of confidence in the avowed determination of the community of States to bring such efforts to fruition.

While subscribing to the proposal's general objective of reducing the threat posed by nuclear weapons, we question, furthermore, whether the programme of action contained in the proposal is conducive to the eventual attainment of that objective.

In addition, my delegation finds aspects of the proposal ill timed and unrealistic. Attempts to subject important aspects of the arms-control and disarmament agenda to an arbitrary timetable are unhelpful and may even be counterproductive.

For this reason, my delegation was not in a position to support the proposal and abstained in the voting.

Mr. Jaguaribe (Brazil): I should like to explain the position of my delegation on draft resolutions A/C.1/49/L.36 and L.33/Rev.1.

First, let me refer to L.36. We are aware of the arguments raised by several States, notably those of the European Union, in relation to this issue. We share some of their concerns, inasmuch as we believe it might have been preferable to await the decision of the International Court of Justice in relation to the request of a similar, though not identical, nature made by the Assembly of the World Health Organization (WHO).

However, we voted in favour of the draft resolution because we do not believe we should deny the rights of an express group of States to have the International Court of Justice give its advisory opinion about a juridical question of evident interest to the international community, a right which is clearly spelt out in Article 96 of the Charter. Brazil does not believe that this measure can harm international efforts towards non-proliferation and disarmament. On the contrary, we call upon all States to look upon this request as a further appeal to redouble efforts in international negotiations, consolidate non-proliferation and lead to the gradual elimination of all nuclear weapons.

I should now like to refer to draft resolution L.33.Rev.1. We are encouraged by the initiative of the delegation of Japan to put forward a draft resolution on "Nuclear disarmament with a view to the ultimate elimination of nuclear weapons." We fully share that delegation's objectives in relation to non-proliferation and disarmament.

We were not able to vote in favour of the draft resolution, however, because we believe its title is not adequately reflected in its contents and because of our well-known position in relation to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Furthermore, the draft resolution makes no reference to other existing instruments, such as the Treaty of Tlatelolco.

Mr. Chandra (India): My delegation would like to explain its vote on draft resolution A/C.1/49/L.33/Rev.1, "Nuclear disarmament with a view to the ultimate elimination of nuclear weapons," which was adopted.

While we are in agreement with the ultimate objective of the draft resolution, notably the complete elimination of nuclear weapons, we had hoped that the sponsors would inject an element of urgency into the need to achieve the complete elimination of nuclear weapons. It would also have been desirable to seek early negotiations in the Conference on Disarmament for a treaty for the complete elimination of nuclear weapons.

Shorn of those two major elements, the draft resolution is essentially an expression of the need to work towards the goal of the complete elimination of nuclear weapons. Even with the draft resolution in this emasculated form, we would have gone along with it, as we are supportive of its overall objective, but its call on all States to join the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) made it impossible for us to do so, as we regard the NPT as inherently flawed and discriminatory and an agreement which has done little to control proliferation and has divided the world into haves and have-nots.

It is against this backdrop that we abstained in the voting on this draft resolution.

Mr. Hou Zhitong (China) *(interpretation from Chinese)*: The Chinese delegation did not participate in the vote on draft resolution A/C.1/49/L.36. We would like to give the following explanation.

China fully understands the urgent wish on the part of non-nuclear States for the prohibition of the use of nuclear weapons. China has consistently advocated the comprehensive prohibition and complete elimination of nuclear weapons.

Since the day it first possessed nuclear weapons, China has solemnly declared that under no circumstances and at no time will we be the first to use them. China has also made a commitment not to use or threaten to use nuclear weapons on non-nuclear-weapon States or nuclear-free zones. We appeal to other nuclear-weapon States to make similar commitments and to negotiate and sign a treaty on the non-use of nuclear weapons against each other. We believe that attaining these objectives will in practice eliminate the possibility of the use or the threat of the use of nuclear weapons.

China hopes that in the further promotion of nuclear disarmament and the prevention of nuclear war the General Assembly, the First Committee, the Disarmament Commission and the Conference on Disarmament, which have already played an important role, will continue to do so. At the same time, China has consistently supported all the constructive bilateral, regional and multilateral efforts in this regard.

Ms. Duncan (New Zealand): New Zealand would like to explain its abstention in the voting on draft resolution A/C.1/49/L.25/Rev.1 entitled "Step-by-step reduction of the nuclear threat".

The key operative paragraph recommends that the Conference on Disarmament should in 1995 develop a negotiating programme covering a 5 to 10-year period, involving specific measures of nuclear disarmament, drawing from three sets of proposals set out in operative paragraph 1. The broad objective of this draft resolution — to take advantage of the post-cold war security environment and to set in train a programme of nuclear disarmament negotiations — is consistent with New Zealand's disarmament and arms control goals. We support, in particular, practical measures of nuclear disarmament in the bilateral or multilateral field, such as START I and II, and negotiations for a comprehensive test-ban treaty, a cut-off treaty and security assurances. The programme set out in draft resolution A/C.1/49/L.25/Rev.1 encompasses such negotiations.

As currently conceived, however, the programme has shortcomings, we believe. It appears, for example, to task the Conference on Disarmament with certain activities that need to be pursued in other contexts. Moreover, while we will continue to urge that consistent progress be made

towards the goal of nuclear disarmament, including in the context of the 1995 Non-Proliferation Treaty Review and Extension Conference, we have reservations about a proposal which suggests that such efforts must be conducted in a time-bound, programmatic way.

However, we welcome the commitment of the sponsors to establish and maintain a dialogue with Member States of the United Nations in the coming months on an item that we agree is of fundamental importance. In the meantime, we hope that concerted efforts in the Conference on Disarmament and elsewhere will continue, in order to conclude negotiations on some of the key measures of nuclear disarmament identified in this draft resolution.

Mr. Rivero Rosario (Cuba) (*interpretation from Spanish*): My delegation wishes to explain its position on draft resolution A/C.1/49/L.33/Rev.1, submitted by Japan. We noted with interest this text, whose title refers to the question of nuclear disarmament and the ultimate elimination of nuclear weapons. This is a question that the international community has been considering as a matter of the highest priority, as was reflected in the Final Document of the tenth special session of the General Assembly, devoted to disarmament.

However, my delegation must express its regret that under the title of the draft resolution, "Nuclear disarmament with a view to the ultimate elimination of nuclear weapons", the text of the operative part refers to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which we feel means that the title and the content are not closely related.

My delegation would have liked the sponsors to promote concrete action aimed at the nuclear-weapon States in stronger terms than the weak request to them to pursue their disarmament efforts. It would have been better, given the good faith exhibited by countries with nuclear weapons in terms of negotiating on the elimination of nuclear weapons, since the entry into force of the NPT almost 25 years ago, during which time the number of nuclear weapons of all kinds has increased considerably, to have emphatically stated the need to fulfil the provisions of article 6 of the Treaty with regard to the elimination within a specific time-frame of such weapons.

Cuba is not a party to the NPT, as the Committee knows. We share the general objective of the non-proliferation of nuclear weapons and other weapons of mass destruction, but we have not acceded to the Treaty, because of, among other things, the difference between the Treaty obligations and duties of countries that do not possess nuclear weapons and those of the nuclear Powers.

My delegation believes that an effective non-proliferation regime, in order to attain its true objective, should first eliminate all nuclear weapons in the hands of the nuclear Powers, within a specific time-frame and with strict international verification. Attaining that objective would be a significant contribution to the chances of other countries' acceding to the Treaty and making it universal.

Those were reasons for our abstention on draft resolution A/C.1/49/L.33/Rev.1.

Mr. Tanaka (Japan): I wish to express our deep gratitude and appreciation to all delegations for their support for and understanding of draft resolution A/C.1/49/L.33/Rev.1, sponsored by Japan, which was adopted with a large majority of affirmative votes and without a single negative vote.

As I have repeatedly stated in this forum, Japan, with its unique past experience and its desire that the tragedies of the use of nuclear weapons should never be repeated, has been emphasizing the need for the realistic and steady promotion of nuclear disarmament, with a view to the ultimate elimination of nuclear weapons.

We believe that the support and understanding given to our draft resolution demonstrates that the aspirations of our people and the policy of our Government in the field of nuclear disarmament are duly recognized in this forum. We sincerely hope that the adoption of this draft resolution will further contribute to the promotion of nuclear disarmament along the path we are pursuing.

Before concluding, I wish to exercise my right of reply to respond to the statement made by the representative of the Democratic People's Republic of Korea on draft resolution L.33/Rev.1. I should like simply to point out that that statement was entirely biased and inappropriate, and contained remarks that are totally groundless.

Mr. Weston (United Kingdom): Mr. Chairman, since you intend that the Committee should take action on the remaining draft resolutions this afternoon, I should like to ask a question about the budgetary implications, or possible budgetary implications, of two of them: A/C.1/49/L.30/Rev.2 and A/C.1/49/L.34/Rev.1. Before my delegation is willing to take action on them, we shall want confirmation from the Secretariat of the budgetary

implications, or at least a statement that there are no budgetary implications.

The Chairman: The statement of the representative of the United Kingdom has duly been taken into account.

I call upon the representative of the Democratic People's Republic of Korea, who has asked to make a statement in exercise of the right of reply.

Mr. Kim Chang Guk (Democratic People's Republic of Korea): I should like to reply to the statement by the representative of Japan.

Since Japan introduced draft resolution A/C.1/49/L.33/Rev.1, we do not understand why its Government does not try to show some sincerity by adopting the three non-nuclear principles as law.

The Chairman: Before the Committee proceeds to take a decision on the draft resolutions to which I referred previously, I shall call on those delegations wishing to introduce draft resolutions.

Mr. Moradi (Islamic Republic of Iran): I should like to introduce an oral amendment to the draft resolution contained in A/C.1/49/L.17/Rev.1, entitled "Report of the Conference on Disarmament". The amendment is to include a new operative paragraph 6 after operative paragraph 5. Its text, which is the same as that of operative paragraph 4 of draft resolution A/C.1/49/L.17, is as follows:

> "*Urges* the Conference on Disarmament to make every effort to reach a solution on the expansion of its membership by the beginning of its 1995 session;".

The remaining paragraphs should be renumbered accordingly.

The new operative paragraph 6 is the result of consultations between interested delegations. We hope that with its addition draft resolution A/C.1/49/L.17/Rev.1 will command a consensus.

Mr. Diall (Mali) (interpretation from French): Draft resolution A/C.1/49/L.30/Rev.2, entitled "Assistance to States for curbing the illicit traffic in small arms and collecting them", has the following sponsors: Benin, Burkina Faso, Burundi, Cambodia, Cameroon, Chad, Côte d'Ivoire, Djibouti, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal and Togo.

The draft resolution has been the subject of two revisions to reflect the comments and suggestions submitted by certain delegations and agreed to by the sponsors in order to achieve a consensus text.

The second revision, now before the Committee for adoption, states that the circulation of massive quantities of small arms throughout the world impedes development and is a source of increased insecurity. It also mentions that the illicit international transfer of small arms and their accumulation in many countries constitutes a threat to the populations and to national and regional security and is a factor contributing to the destabilization of States.

The draft also mentions the situation of insecurity and banditry linked to the illicit circulation and accumulation of small arms in many countries of the Saharo-Sahelian subregion. Because of the magnitude of this phenomenon and the major risks that it presents to the very stability of the States concerned, these States have appealed for United Nations assistance to support the major efforts they have been making to control it. Without the support of the international community, as we stressed last week when we introduced the draft resolution, they cannot alone face up to this situation. That is why, on behalf of all the sponsors, I repeat our appeal to the Committee for support. We have no doubt that it will be carefully considered and that it will be adopted by consensus.

Finally, I wish to point out that the English text contains a mistake in operative paragraph 4, where the United Nations Centre for Peace and Disarmament is described as the "United Nations Centre for Peace and Democracy".

Mr. Chandra (India): I have been asked by the Chairman of the Non-Aligned Movement to address draft resolution A/C.1/49/L.34.Rev.1, introduced by him earlier, which is entitled "Convening of the fourth special session of the General Assembly devoted to disarmament".

Noting that the draft resolution did not command consensus, and recognizing the importance of consensus in the case of such a draft resolution, we, along with many others, have been engaged in consultations with interested delegations.

I am very happy to be able to report that we have been able to arrive at an agreement with interested delegations on language which we expect will enjoy consensus. I should like to thank all concerned for this.

The changes which this agreement entails in the text of draft resolution A/C.1/49/L.34.Rev.1 are as follows. Operative paragraph 1 has been modified to read:

> "*Decides* in principle to convene, in 1997 if possible, the fourth special session of the General Assembly devoted to disarmament, the date to be considered at its fiftieth regular session;".

Operative paragraph 2 is to be deleted, and paragraph 3 is to be renumbered as paragraph 2.

In the context of what I have just said, we would request that draft resolution A/C.1/49/L.34/Rev.1, as orally amended, be adopted by consensus without a vote.

In conclusion, I should like to mention that it is our understanding that this consensus would render redundant the amendments proposed in document A/C.1/49/L.52.

Mr. Ledogar (United States of America): On behalf of the co-sponsors of document A/C.1/49/L.52, I can state that we are willing that no action should be taken on it, on the understanding that draft resolution A/C.1/49/L.34/Rev.1, as orally amended by the representative of India, be put to the vote with no further amendment. We would like to express our appreciation for the cooperation and flexibility displayed by various representatives of the sponsors of draft resolution A/C.1/49/L.34/Rev.1.

Mr. Marín Bosch (Mexico) *(interpretation from Spanish)*: I wish to refer to the sub-item entitled "Transparency in armaments". A number of delegations submitted draft resolution A/C.1/49/L.18, and another group submitted amendments to it, which are contained in document A/C.1/49/L.45.

Consultations have been held between the two groups in recent weeks. On behalf of the co-sponsors of document A/C.1/49/L.45, I should like to thank the co-sponsors of draft resolution A/C.1/49/L.18 for the changes they have made in their text, which are reflected in document A/C.1/49/L.18/Rev.1. Because of the nature of these changes, we will not insist on a vote on the amendments proposed in document A/C.1/49/L.45. However, so that our respective positions may appear on the record, we would request that a recorded vote be taken on draft resolution A/C.1/49/L.18/Rev.1, and that a separate vote be taken first on operative paragraphs 4 (b) and 6.

On behalf of the delegations of Indonesia and Mexico, I should like now to explain our position on draft resolution A/C.1/49/L.18/Rev.1.

Through resolution 46/36 L of 1991, the Register of Conventional Arms was established, thus beginning an exercise which also included the nomination of a group of experts by the Secretary-General and consideration of the item by the Conference on Disarmament in Geneva.

At the beginning of 1992 we urged that time should be allowed for the Register to evolve and that, accordingly, the work done in the group of experts and in the Conference on Disarmament should adjust to a fixed timetable — in other words, there should be no attempt to make this item a fixture on the agenda of the Conference on Disarmament. The results achieved thus far in these forums are not very encouraging, and reveal the need to allow the Register to continue operating for a few more years before new groups of experts are set up, or before diverting the attention of the Conference on Disarmament, which is considering in depth a number of priority issues. That would be unfortunate.

For these reasons, the delegations of Indonesia and Mexico will abstain in the vote on operative paragraph 4 (b). We will vote against operative paragraph 6, and we will abstain in the vote on draft resolution A/C.1/49/L.18/Rev.1 as a whole.

Mr. Moradi (Islamic Republic of Iran): The Islamic Republic of Iran will abstain on draft resolution A/C.1/49/L.18/Rev.1, entitled "Transparency in armaments", will cast a negative vote on operative paragraph 4 (b), and will abstain on operative paragraph 6, for the following reasons.

First, operative paragraph 4 (b) recommends that a group of governmental experts be convened in 1997. Secondly, in operative paragraph 6, the draft resolution invites the Conference on Disarmament to consider continuing its work on transparency in armaments. These recommendations are being made despite the fact that the group of governmental experts and the Conference on Disarmament did not register any progress in their consideration of this issue in 1994. Moreover, we do not see any rationale behind these recommendations at a time when there is no political will among nuclear-weapon States to expand the Register of Conventional Arms to include data and information on all types of conventional weapons, as well as weapons of mass destruction, and at a time when the United Nations is operating under financial constraints.

The amendments contained in document A/C.1/49/L.45, sponsored by Algeria, Indonesia, Iran, Mexico, Myanmar, Nigeria and Sri Lanka, are aimed at addressing these issues.

However, the reservations of my delegation on draft resolution A/C.1/49/L.18/Rev.1, and the ideas contained in A/C.1/49/L.45, are not aimed at the importance of the continuation of the Register of Conventional Arms as it is. My delegation attaches great importance to transparency in armaments, and it has consistently supported this initiative in the United Nations and elsewhere. We submitted our reports recently, and will continue to do so. However, we see no need to reconvene the group of governmental experts, and we call upon the Conference on Disarmament to consider this issue for the reasons that I have explained.

Mr. Jaguaribe (Brazil): I wish to point out a number of facts about draft resolution A/C.1/49/L.39 in order to dissipate any misunderstandings. The draft resolution does not create any new obligations, but draws exclusively from those to be derived from the Treaty of Tlatelolco and a treaty establishing a nuclear-weapon-free zone in Africa. It does not seek to establish a new nuclear-weapon-free zone, nor does it request negotiations to that end. The area affected by the draft resolution is the one covered by the Treaty of Tlatelolco and a treaty establishing a nuclear-weapon-free zone in Africa.

The draft resolution affects the high seas only inasmuch as the Treaty of Tlatelolco and the nuclear-weapon-free zone in Africa do so, and in line with the approach of other treaties, such as the Treaty of Rarotonga and the Antarctic Treaty do — that is, in full conformity with the law of the sea and with the freedom of navigation on the high seas. The text of the fourth preambular paragraph is drawn directly from Articles 87 and 88 of the Convention on the Law of the Sea, which entered into force two days ago. Article 88 states:

> "The high seas shall be reserved for peaceful purposes."

The endorsement in operative paragraph 4 is of

> "the objective of the States of the Zone of Peace and Cooperation of the South Atlantic",

which will come about as result of the entry into force of the Treaty of Tlatelolco and the nuclear-weapon-free zone in Africa.

The draft resolution is a reflection of the commitment of the co-sponsors to non-proliferation and of the aspiration of the international community to this same objective.

The Chairman *(interpretation from Spanish)*: We shall now move on to explanations of vote before the vote on draft resolutions A/C.1/49/L.39, A/C.1/49/L.18/Rev.1, A/C.1/49/L.17/Rev.1, A/C.1/49/L.30/Rev.2 and A/C.1/49/L.34/Rev.1.

Mr. Shoukry (Egypt): I wish to explain my delegation's vote on draft resolution A/C.1/49/L.18/Rev.1, entitled "Transparency in armaments".

Since the adoption of General Assembly resolution 46/36 L in 1991, which established the Register of Conventional Arms, Egypt has contributed faithfully to advocating the principle of transparency in military matters. Egypt has been supportive of the objectives underlying the establishment of the Register.

For the Register to attain its objectives as a truly significant confidence-building measure, capable of eliminating suspicions and misperceptions, and thereby contributing to enhancing security and stability, in our view it must be based on the following requirements: it must be a universal, comprehensive and non-discriminatory confidence-building measure; it must ensure equal rights and obligations for all States; it must address the legitimate security concerns of all States; and it must provide the broadest degree of transparency in all fields of armaments in a non-selective manner.

The modest initial steps to establish the Register in 1991 were recognized and accepted as a practical necessity. The evolutionary nature of this mechanism was abundantly clear from resolution 46/36 L. It was also clear that there was a prescribed time-frame for such evolution to be completed, that being the work of the 1994 group of experts mandated to undertake this task.

The delegation of Egypt is disappointed by the outcome of the work of the group of experts in 1994. The group was unable to reach any agreement on related aspects of the further development of the Register. Even though various worthy proposals were presented to enable the Register to emerge as a truly effective confidence-building measure, they all fell prey to obstinate insistence on maintaining the status quo unchanged.

There was no agreement to further develop the scope of the Register, by means of adjusting the definitions of the

existing seven categories of conventional arms to be reported to the Register, even for the sake of clarity. There was opposition to the proposal to include in the reporting system, within the established seven categories of conventional arms, the description of such arms as an integral component of the reporting system so as to provide effective and non-discriminatory transparency.

Much to our disappointment, there was no agreement to extend the scope of the Register to include information on existing stockpiles and indigenous production capabilities in the existing categories of conventional arms. There was adamant opposition to any possibility of incorporating in the Register, at any time, weapons of mass destruction.

Despite the fact that draft resolution A/C.1/49/L.18/Rev.1 is entitled "Transparency in armaments", it is abundantly clear that all we are left with is not even a Register of conventional arms, but merely a Register of selective and limited conventional arms transfers. That is precisely what we thought had been avoided in 1991, when a revised text of what was then also draft resolution L.18 had been produced. The final formulation of resolution 46/36 L alleviated the fear that the issue of transparency would be addressed in a selective manner to accommodate the security concerns of only a few. Unfortunately, events have proved otherwise.

From the outcome of the work of the expert group in 1994, and from the direction of the text of draft resolution A/C.1/49/L.18/Rev.1, it seems only fair to conclude that the main objective of this exercise is simply to consolidate this clearly discriminatory mechanism as what it truly is — merely a Register of limited conventional arms transfers.

We are unimpressed by the prospect of the possible eventual development of the Register in terms of expansion of its scope. Such a prospect seems remote, in view of the apparent lack of political will on the part of the international community to faithfully embrace the principles and objectives of transparency or apply them in a comprehensive, non-discriminatory and equitable manner.

For its part, Egypt is neither willing nor able to continue to associate itself with this ineffective mechanism, which, in its present form, is detrimental to our national security.

At the same time we must reiterate that what the General Assembly advocated in 1991 was a policy of transparency in armaments. We firmly support that lofty objective. We believe it can contribute to international peace and security, and will continue to work towards the achievement of this goal.

For these reasons, my delegation will abstain on draft resolution A/C.1/49/L.18/Rev.1.

Mr. Fouathia (Algeria) *(interpretation from French)*: My delegation wishes to explain its position on draft resolution A/C.1/49/L.18/Rev.1, entitled "Transparency in armaments".

Algeria, which attaches great importance to the question of transparency in armaments, has always supported initiatives that seek to promote genuine transparency. We are interested in anything that might help to attain that goal, particularly the establishment of systems that are capable of guaranteeing transparency, are viable and are supported by all States.

My delegation has supported similar initiatives at previous sessions. Despite its imperfections, which we pointed out at the time, we voted in favour of resolution 46/36 L.

We joined the consensus on the question of transparency that later emerged, but we will not be able to support draft resolution A/C.1/49/L.18/Rev.1, for a number of reasons, which are on the whole reflected in document A/C.1/49/L.45. We would have preferred to the sponsors of draft resolution A/C.1/49/L.18/Rev.1 to be able to respond favourably to our concerns, so as to preserve the consensus on this matter.

The draft before us today endorses the efforts made thus far. We do not support that, nor do we think we should continue to deal with the matter in the current manner, particularly in frameworks which have shown a limited ability to take into account the wishes of a large number of States. Therefore, we cannot go on supporting initiatives that do not give a new impetus to efforts to establish a viable, effective and complete system to promote genuine transparency in the military area.

We note with regret that draft resolution A/C.1/49/L.18/Rev.1 continues to highlight efforts that have not produced the desired results. Therefore, my delegation will abstain in the vote on the draft resolution as a whole, abstain on operative paragraph 4 (b) and vote against operative paragraph 6.

Mr. Goonetilleke (Sri Lanka): I should like to explain my delegation's vote on draft resolution A/C.1/49/L.18/Rev.1, entitled "Transparency in armaments".

My delegation was among the sponsors of the amendments contained in document A/C.1/49/L.45, which was presented with the purpose of amending draft resolution A/C.1/49/L.18. My delegation has noted with appreciation the efforts of the sponsors of draft resolution A/C.1/49/L.18 in amending their draft, as reflected in draft resolution A/C.1/49/L.18/Rev.1. Although the amendments incorporated into that document do not fully satisfy our expectations, we have noted the improvements made in operative paragraphs 4 and 6, which demonstrate the desire of the sponsors to compromise and accommodate, to the extent possible, the views of the sponsors of document A/C.1/49/L.45.

In view of this, my delegation has joined the decision of the sponsors of A/C.1/49/L.45 to withdraw their amendments, as a demonstration of our goodwill. This was not an easy decision, and the only compromise possible was to request separate votes which would enable the sponsors to vote according to their own positions.

As the amendments do not fully correspond with our position, Sri Lanka will abstain in the separate votes taken on operative paragraphs 4 (b) and 6, as well as on the draft resolution as a whole.

Finally, let me assure the Committee that we attach importance to transparency and that our vote should not be misunderstood as an attempt to belittle transparency. Our position on the subject of transparency in armaments has been fully reflected in the documents released by the members of the Group of 21 in Geneva.

The Chairman: The Committee will now proceed to take action on draft resolution A/C.1/49/L.39.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.39, entitled "The South Atlantic region as a nuclear-weapon-free zone", was introduced by the representative of Brazil at the Committee's 14th meeting, on 7 November 1994, and it is sponsored by the following countries: Angola, Argentina, Benin, Brazil, Cameroon, Cape Verde, Colombia, Congo, Côte d'Ivoire, Ecuador, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Honduras, Mexico, Namibia, Nigeria, Panama, Paraguay, Senegal, South Africa, Togo, Uruguay and Venezuela.

The Chairman: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

France, Monaco, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Andorra, Canada, Italy

Draft resolution A/C.1/49/L.39 was adopted by 140 votes to 4, with 3 abstentions.

The Chairman: The Committee will now proceed to take action on draft resolution A/C.1/49/L.18/Rev.1.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.18/Rev.1, entitled "Transparency in armaments", was introduced by the representative of the Netherlands at the Committee's 13th meeting, on 4 November 1994, and it is sponsored by the following countries: Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belarus, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chile, Costa Rica, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Malta, Marshall Islands, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, The Former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.

The Chairman: A separate, recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia, Zimbabwe

Against:

Iran (Islamic Republic of)

Abstaining:

Algeria, Angola, China, Colombia, Cuba, Democratic People's Republic of Korea, Ecuador, El Salvador, Ghana, India, Indonesia, Iraq, Jordan, Libyan Arab Jamahiriya, Mexico, Myanmar, Nigeria, Pakistan, Saudi Arabia, Sri Lanka, Sudan, Swaziland

Paragraph 4 (b) was retained by 114 votes to 1, with 22 abstentions.

The Chairman: A separate, recorded vote has been requested on paragraph 6.

A recorded vote was taken.

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland,

Sweden, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia, Zimbabwe

Against:

Algeria, Cuba, Indonesia, Mexico

Abstaining:

Angola, China, Colombia, Democratic People's Republic of Korea, Ecuador, El Salvador, India, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Myanmar, Nigeria, Pakistan, Sri Lanka, Sudan

Paragraph 6 was retained by 117 votes to 4, with 15 abstentions.

The Chairman: The Committee will now vote on draft resolution A/C.1/49/L.18/Rev.1 as a whole. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia, Zimbabwe

Against:

None.

Abstaining:

Algeria, Angola, Cuba, Democratic People's Republic of Korea, Egypt, India, Indonesia, Iran (Islamic Republic of), Iraq, Lebanon, Libyan Arab Jamahiriya, Mexico, Myanmar, Saudi Arabia, Sri Lanka, Sudan, Syrian Arab Republic

Draft resolution A/C.1/49/L.18/Rev.1 was adopted by 126 votes to none, with 17 abstentions.

The Chairman: We shall now proceed to draft resolution A/C.1/49/L.17/Rev.1, as orally amended by the representative of the Islamic Republic of Iran.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.17/Rev.1, as orally amended by the representative of the Islamic Republic of Iran, a draft resolution which has programme budget implications, as contained in document A/C.1/49/L.51, was introduced by the representative of the Islamic Republic of Iran at the Committee's 16th meeting, on 9 November 1994, and is sponsored by the Islamic Republic of Iran.

The Chairman: The sponsor of this draft resolution has expressed the wish that it be adopted without a vote. If I hear no objection, I shall take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/49/L.17/Rev.1, as orally amended, was adopted.

The Chairman: We will now proceed to take action on draft resolution A/C.1/49/L.30/Rev.2.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.30/Rev.2, entitled "Assistance to States for curbing the illicit traffic in small arms and collecting them", was introduced by the representative of Mali at the Committee's 16th meeting, on 9 November 1994, and is sponsored by the following countries: Benin, Burkina Faso, Burundi, Cambodia, Cameroon, Chad, Côte

d'Ivoire, Djibouti, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal and Togo.

In connection with draft resolution A/C.1/49/L.30/Rev.2, I would like to read the following statement on behalf of the Secretariat into the record:

> "By draft resolution A/C.1/49/L.30/Rev.2, the General Assembly would, *inter alia*, encourage the Secretary-General to continue his efforts to curb the illicit circulation of small arms and to ensure their collection in the affected States which so request, with the support of the United Nations Centre for Peace and Disarmament in Africa and in close cooperation with the Organization of African Unity. In this connection, the Secretary-General does not anticipate at this time that implementation of the draft resolution to ensure the collection of illicit small arms circulated in the affected States would have financial implications for the 1994-1995 regular budget of the United Nations."

The Chairman: The sponsors of this draft resolution have expressed the wish that it be adopted by the Committee without a vote. If I hear no objection, I shall take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/49/L.30/Rev.2 was adopted.

The Chairman: We will now take action on draft resolution A/C.1/49/L.34/Rev.1, as orally amended by the representative of India.

I call on the Secretary of the Committee.

Mr. Kheradi (Secretary of the Committee): Draft resolution A/C.1/49/L.34/Rev.1, entitled "Convening of the fourth special session of the General Assembly devoted to disarmament", was introduced by the representative of Indonesia on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries at the Committee's 15th meeting, on 9 November 1994, and is sponsored by Indonesia, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

The Chairman: The sponsors of this draft resolution have expressed the wish that the draft resolution, as orally amended by the representative of India, be adopted by the Committee without a vote. If I hear no objection, I shall take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/49/L.34/Rev.1, as orally amended, was adopted.

The Chairman: I shall now call on those representatives who wish to speak in explanation of vote or position after the vote or decision on the draft resolutions.

Mr. Weston (United Kingdom): My delegation was glad to join the consensus on draft resolution A/C.1/49/L.30/Rev.2, which the Committee has just adopted, on assistance to States for curbing the illicit traffic in small arms and collecting them.

As we have made clear to the sponsors, it is the United Kingdom's view that any costs associated with the implementation of this draft resolution, and in particular with the United Nations Consultative Mission, should continue to be met from within existing resources and should not place any additional burden on the United Nations regular budget. It is in this light that we view the language in operative paragraph 4. We therefore welcome the statement just made by the Secretary of the Committee, which makes it clear that the recommendations in this draft resolution will not impose any new financial burden on the United Nations budget.

In addition, although the United Kingdom recognizes the good intentions behind the political initiative undertaken by the sponsors of this draft resolution, we believe that the focus should be maintained clearly on the illicit traffic in small arms.

We therefore find the language in the second preambular paragraph inconsistent with the rest of the draft resolution. Small arms can be essential weapons of self-defence for any nation, and their possession, *per se*, does not necessarily impede development or increase insecurity. It is not massive, but excessive, quantities which can be destabilizing. Illicit transfers, on the other hand, can pose a threat to the stability of the State or region.

We would hope, therefore, that the sponsors of draft resolution recognize this concern and will make efforts to clarify this important point if they wish to put forward a similar draft resolution next year.

Mr. Kim Chang Guk (Democratic People's Republic of Korea): My delegation has reservations about draft resolution A/C.1/49/L.18/Rev.1, "Transparency in armaments" for the following reasons: transparency is not always conducive to confidence-building and disarmament, and the Register may, rather, serve the arms trade and the

arms race. Arms transfers reflects the uncertainty of security in a region, and arms selling is taken for granted as a sort of commercial trade for profit. Arms buying is recognized as the exercise of the sovereign right to national security.

Therefore, we do not understand the value of transparency through the use of a Register when the causes of insecurity remain unresolved. At the same time, the Register does not include weapons deployed on territories other than one's own. We think that weapons deployed on the territories of other nations should be taken as a form of arms transfer, which should be withdrawn for the sake of confidence and disarmament.

Mr. Chaouachi (Tunisia) *(interpretation from French)*: My delegation voted in favour of draft resolution A/C.1/49/L.18/Rev.1, as we voted in favour of paragraphs 4(b) and 6. We wish to stress the importance we attach to the promotion in military matters of a non-discriminatory and universally recognized transparency able to gain the support of the greatest possible number of Member States. My delegation therefore understands and supports the need to expand the Register of Conventional Arms to other categories of matériel and weapons, including weapons of mass destruction.

My delegation hopes that progress will be possible in expanding the Register so as to increase its effectiveness and credibility.

Mr. Tayeb (Saudi Arabia) *(interpretation from Arabic)*: I wish to explain the position of the Kingdom of Saudi Arabia on draft resolution A/C.1/49/L.18/Rev.1.

We abstained in the voting on the draft resolution because we support general and complete disarmament. Although in principle we favour transparency in armaments as a confidence-building measure, we are aware that in order to attain that noble goal we must recognize that the establishment of an international security environment should be based on the principles of non-selectivity and balance. Transparency cannot create security and peace unless it is based on those principles.

Accordingly, we believe that the draft resolution is incompatible with that goal, since transparency does not take into consideration the national production of weapons. This is a very important question, for several countries rely on their own domestic arms production. Nor does the draft resolution deal sufficiently with the question of weapons of mass destruction, although such weapons constitute the most serious threat to international peace and security.

I would reiterate that my country continues to favour transparency in armaments.

Mr. Yativ (Israel): I should like to explain my delegation's vote on draft resolution A/C.1/49/L.18/Rev.1, "Transparency in armaments."

Israel was among the first countries to support resolution 46/36 L, which set up the Register of Conventional Arms, as well one of the first to report in accordance with the terms of that resolution. The Register is certainly important as the beginning of a long process aimed at the implementation of global confidence-building measures. It has, however, to stand up to the test of time, and the principle of stability should be retained. The existing categories of the Register should be consolidated before further major changes are considered. Proceeding too fast is likely to impede the fundamental goals of the Register, and, instead of building mutual confidence, might give rise to security concerns.

We believe that additional countries from our region should join the Register. Also, the establishment of confidence-building measures in the regional framework of the Arms Control and Regional Security Working Group will significantly improve confidence and transparency in our region.

Mr. Errera (France) *(interpretation from French)*: My delegation would like to explain its vote on draft resolution A/C.1/49/L.39, "The South Atlantic region as a nuclear-weapon-free zone". We voted against the draft resolution. We cannot support an initiative with too many ambiguities. The first concerns the impact of the establishment of a nuclear-weapon-free zone in the South Atlantic, a region that is mainly ocean. Secondly, there is the effect on high-seas navigation. The drafting of the text of the draft resolution is imprecise in this regard, and therefore we cannot support it.

In addition, the delimitation of the proposed zone is not clear. If it is to consist of areas already covered by the Treaty of Tlatelolco or the future treaty on a nuclear-weapon-free zone in Africa, why not say so? Lastly, we do not see why we should be asked to formally endorse an initiative that is still in the design stages.

For all those reasons, my delegation voted against the draft resolution. We did so with regret, because in the past

week we have constantly sought with the co-sponsors ways to arrive at an amended text that would enjoy consensus. Unfortunately, that was not possible; we regret it, because it is inconsistent with the spirit of dialogue and compromise shown by other delegations on subjects that are considerably more sensitive and difficult. We particularly regret it since France, as is well known, supports the objectives of the Treaty of Tlatelolco as well as the efforts to establish a nuclear-weapon-free zone in Africa.

Mr. Rivero Rosario (Cuba) (*interpretation from Spanish*): My delegation would like briefly to express its position on draft resolution A/C.1/49/L.18/Rev.1, concerning transparency in armaments.

The Register of Conventional Arms was established pursuant to resolution 46/36 L, which provides that the Register should be extended to cover the question of weapons of mass destruction. As we all know, the group of experts established under resolution 46/36 L, which concluded its work last summer, was unable to reach conclusions on fundamental issues within its mandate, such as expanding that mandate and including weapons of mass destruction. The reports submitted by the Secretary-General on this issue show my delegation that, despite the great efforts made, the Register clearly still lacks universality and by no means all Member States of this Organization are participating in this confidence-building measure. Therefore, we believe that it would be premature to take a decision now to establish a new group of experts for 1997 to consider the expansion of the Register.

Similarly, the results of the consideration of this issue in the Conference on Disarmament, which also failed to reach agreement, also reveals substantial differences between delegations on their approach to the question of transparency in armaments. This indicates that the time is not ripe for the continuation of the exercise we have begun, and our delegation believes that there would be no point in the matter's being dealt with anew in the Conference on Disarmament, which has very important and urgent negotiations to carry out, such as those on the total prohibition of nuclear tests.

My delegation therefore believes that we should wait for the political climate to change in such a way as to make possible a unified position on the form and content of the Register. This explains our vote on operative paragraphs 4 (b) and 6, and why we abstained on the text as a whole.

Mr. Troug (Libyan Arab Jamahiriya) (*interpretation from Arabic*): My country's delegation would like to explain our position regarding draft resolution A/C.1/49/L.18/Rev.1, on which we abstained, for the following reasons.

First, the Register of Conventional Arms does not cover nuclear weapons and other weapons of mass destruction. At a time when we are calling for our concerns to be taken into account, which means the submission of full information on the production of weapons of mass destruction, we believe that confidence-building measures cannot be achieved without this.

We belong to a very sensitive region, where there are many weapons of mass destruction and nuclear weapons; as the Committee is aware, the Israelis possess huge nuclear armaments and other weapons. Therefore, transparency will not be achieved without a full record of all weapons of mass destruction, including nuclear weapons. If the supporters of the draft resolution are sincere, they, including the Israelis, will have to submit a full account of the stockpiles of all the weapons they possess.

Mr. Obadi (Yemen) (*interpretation from Arabic*): My delegation would like to explain our position on draft resolution A/C.1/49/L.18/Rev.1.

We did not participate in the voting process, despite the fact that we used to support this draft resolution and were among those that established the Register. We believe that it contributes to confidence-building measures, but this year we find that the draft resolution did not take a comprehensive approach to the question of transparency. That is why we did not participate in the voting this year.

Mr. Eltinay (Sudan) (interpretation from Arabic): My delegation would like to explain our vote on draft resolution A/C.1/49/L.18/Rev.1.

We abstained in the vote on paragraph 4 (b) and paragraph 6 and on the draft resolution as a whole. Our position may be summarized as follows.

The draft resolution requests the Secretary-General, with the assistance of a group of experts, to prepare a report on the continuing operation of the Register of Conventional Arms and its further development, without giving due attention to the repeated call for the Register also to cover weapons of mass destruction. The transparency required for regional confidence-building measures cannot be achieved unless this Register covers all kinds of weapons. The information required for the Register at present does not make possible the attainment of

the Register's objectives. Weapons are flowing to hotbeds of tension and regions of conflict without being registered and without the authorities' being notified of that flow.

Accordingly, we believe that the Register should be comprehensive and non-discriminatory, and that countries of every region should supply all the information required for it to be transparent, without focusing on a particular type of weapon, as there is total ambiguity regarding the weapons possessed by certain States.

The Chairman: The Committee has thus concluded consideration of all disarmament and international security agenda items: items 53 to 66, 68 to 73 and 153.

(spoke in Spanish)

I should like to take this opportunity to thank and congratulate all delegations for the spirit of cooperation, tolerance and understanding that they have displayed in our discussions and in taking decisions on these items.

I also wish to thank the Director of the Centre for Disarmament Affairs, the Secretary of the Committee and the staff of the Secretariat, who joined us in our work. Special thanks also go to the interpreters and the staff of the Department of Public Information. I hope that the same spirit will prevail in our work next week.

The meeting rose at 5.45 p.m.

United Nations A/C.1/49/PV.26

General Assembly

Official Records

First Committee

26th Meeting
Tuesday, 22 November 1994, 3 p.m.
New York

Chairman: Mr. Valencia Rodriguez . . . . . (Ecuador)

The meeting was called to order at 3.30 p.m.

Agenda item 67

Question of Antarctica

General debate, consideration of and action on draft resolutions (A/49/370; A/C.1/49/L.53)

The Chairman: In accordance with the Committee's programme of work and timetable, and its subsequent decision, this afternoon the First Committee will begin its general debate, consideration of and action on draft resolutions submitted under agenda item 67, "Question of Antarctica".

Following consultations with delegations, and with the concurrence of the Committee, I should like to suggest that the Committee proceed to take a decision on the draft resolution contained in document A/C.1/49/L.53. It will be my intention to introduce this draft resolution — which, as members are aware, is proposed by the Chairman — after we have heard all the statements in the general debate.

If I hear no objection, I shall take it that the Committee agrees with that suggestion.

It was so decided.

The Chairman: I now call on the first speaker in debate on agenda item 67, the representative of Malaysia.

Mr. Razali (Malaysia): The Malaysian delegation is extremely pleased that the debate on the question of Antarctica, which has been going on in this Committee for the past 12 years, has at long last resulted in a consensus text. My delegation has always maintained that international cooperation is the only way to ensure that Antarctica remains the heritage of all mankind. I must congratulate the Consultative and the non-Consultative Parties to the Antarctic Treaty on having made this historic occasion possible, opening a new chapter in international cooperation on Antarctica. The consensus text before us meets the objectives that we set out to achieve when the debate began in the United Nations 12 years ago. It is a good example of consensus which takes into account and respects the national positions of delegations.

Protecting Antarctica is crucial to the global ecosystem. It comprises 10 per cent of the Earth's surface, has more than 70 per cent of the Earth's known fresh-water reserves and 90 per cent of the world's ice-sheets, and, with three major oceans converging at Antarctica, exerts a major influence on the global climate. Antarctica also occupies a unique position as a storehouse of mineral, marine and other resources. Antarctica is extremely precious to the whole world as a natural laboratory and environmental observation post.

In this regard, the adoption in October 1991 of the Madrid Protocol on Environmental Protection to the Antarctic Treaty by the Consultative Parties was a much-needed step. The outcome of the United Nations Conference on Environment and Development, held in Rio in June 1992, demonstrated the commitment of the international community to undertaking necessary measures to tackle environmental problems to create a future of hope for the generations to come. My delegation trusts that this

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Committee can now build on the common and serious concerns to ensure that the interests of the entire international community, reposed in the United Nations, will influence the future course of Antarctica.

My delegation remains convinced that, given its role as a truly universal intergovernmental Organization, the United Nations has an important role to play on this issue. The United Nations has the capability, with its world-wide network, of receiving and distributing information related to Antarctica to Member States and research and non-governmental organizations. The international community should reinforce the positive developments of the Rio Summit to promote the importance of safeguarding Antarctica and its impact on the global environment. The Antarctic Treaty Consultative Parties should, on the basis of the agreement at the Rio Summit, hold seminars or symposiums on the subject on an annual basis.

Under the multi-year thematic programme of work for the Commission on Sustainable Development adopted at its first session in June 1993, chapter 17 of Agenda 21 would be considered by the Commission in 1996. In this regard, we look forward to the Antarctic Treaty Consultative Parties' providing to the Commission on Sustainable Development at its 1996 session information related to the implementation of the relevant sections of chapter 17 of Agenda 21. We note that, in the decision taken at the Eighteenth Antarctic Treaty Consultative Meeting, held last April in Kyoto, the Scientific Committee on Antarctic Research was requested to forward its strategic plan for Antarctic global-change research to the secretariats of the United Nations Commission for Sustainable Development, the Intergovernmental Negotiating Committee of the Framework Convention on Climate Change, and the Montreal Protocol on Substances that Deplete the Ozone Layer.

Pollution remains a major environmental problem in Antarctica. With the increase in human activities, the situation is expected to worsen. This has been acknowledged by the Antarctic Treaty Consultative Parties. The number of countries establishing research programmes and the number of tourists seeking to visit Antarctica is on the rise. This development increases the need for energy, which in turn raises the risks of oil spills and exacerbates the problem of waste disposal.

The vulnerability of Antarctica to oil spills is alarming. There was a report recently in *The New York Times* of a spillage between August and September this year of over 20,000 gallons, estimated at about 5 to 10 per cent of the total amount of fuel stored at that base. The fuel spilled was gas oil obtained from the distillation of petroleum, which is highly toxic and cannot be easily cleared. A total of 26 signature countries of the 1965 Antarctic Treaty have scientific bases in the region and together use 16 million gallons of organic fuels each year to provide heating for some 3,000 people. In order to avoid the further pollution of Antarctica from oil spills, we wish to call on the Consultative Parties to take steps to ensure that their scientific bases phase out the use of hydrocarbon for fuel in favour of solar and wind power.

Antarctica also serves as a crucial area in mankind's efforts to understand such global phenomena as global warming and the thinning of the ozone layer. The adverse effects of human activities in Antarctica will deprive mankind of the scientific opportunity of studying these global changes.

My delegation wishes to express its appreciation to the Antarctic Treaty Consultative Parties for providing the Secretary-General with a report of their eighteenth meeting. This demonstrates the spirit of cooperation so necessary to building a partnership between the Consultative Parties and the Non-Consultative Parties to the Antarctic Treaty. The report goes a long way towards helping the Non-Consultative Parties understand the various aspects of the activities undertaken by the Consultative Parties which are of relevance to the rest of the international community. Such activities include the operation of the Antarctic Treaty System, the Protocol on Environmental Protection to the Antarctic Treaty, tourism and non-governmental activities in the Treaty area, and inspections under the Treaty.

My delegation welcomes the involvement of United Nations specialized agencies and programmes such as the United Nations Environment Programme (UNEP), the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO), pursuant to the invitation of the Antarctic Treaty Consultative Parties to participate in the Eighteenth Antarctic Treaty Consultative Meeting, held in Kyoto. We encourage inviting experts from these United Nations agencies and programmes to all future meetings. In this regard, we are pleased to note that the Antarctic Treaty Consultative Parties have agreed to invite the Executive Director of UNEP to attend future meetings of the Antarctic Treaty Consultative Parties in order to assist in the substantive work.

Bearing in mind that this item will be considered by the First Committee at the fifty-first session of the General Assembly, we wish to request the Executive Director of

UNEP to submit her report on the results of UNEP's participation to that session.

The Malaysian delegation has already welcomed the positive step taken by the Antarctic Treaty Consultative Parties in the signing in Madrid in October 1991 of the Protocol on Environmental Protection to the Antarctic Treaty, although it has some shortcomings. We recognize that the Protocol is a measure to protect the environment of Antarctica against the destructive consequences of human activities in that fragile continent. There is a general interest in seeking the Protocol's speedy entry into force. However, to date only a few countries have ratified the Protocol. A few other Governments have stated their intention to ratify it but at the current rate it may be many years before the Protocol is legally binding. Thus, there is little assurance at the juncture that the Madrid Protocol's provisions will be implemented and thereby effectively protect the environment in Antarctica.

It should be every country's desire to see that the Protocol seriously meets its objectives for the protection of the environment in Antarctica. This would be an important effort towards ensuring the permanent protection of Antarctica. It is our earnest hope that the Antarctic Treaty Consultative Parties can work towards swift ratification and full implementation of the positive measures contained in the Protocol. We also urge the Antarctic Treaty Consultative Parties to continue their efforts by strengthening the provisions of the Protocol, developing new annexes as warranted, negotiating a liability regime and, most important, agreeing to a permanent ban on all commercial-mining resource activities in Antarctica. At the same time, we call on the Antarctic Treaty Consultative Parties to involve the United Nations in the process of strengthening the Madrid Protocol.

Malaysia is encouraged by the increasing international cooperation on environment and scientific research in Antarctica. We are confident that, with the gradual involvement of the United Nations, international cooperation on Antarctica will grow from strength to strength.

In conclusion, as the representative of Malaysia, a country which has traditionally initiated this debate, it is necessary for me to acknowledge with deep appreciation all those who have historically and consistently supported the draft resolutions on Antarctica, even when they were put to the vote. We are grateful for their support for the present draft resolution as well, and look forward to their continued support in 1996. I wish to welcome the positive spirit of the States Parties to the Antarctic Treaty, including the Coordinator for this year, Japan. I also wish to convey our appreciation to the delegation of New Zealand for its extremely useful inputs and also to thank the British delegation. Among the non-governmental organizations, I must cite the valuable information and contribution from Greenpeace, without which informed debate on this issue would have been circumscribed. Greenpeace deserves a special expression of appreciation, as of course do all delegations, members of the Secretariat and others whom I have not mentioned by name who have made the consensus possible.

Mr. Owada (Japan): I am speaking today on this item in order to make a statement on behalf of all the States Parties to the Antarctic Treaty.

The Question of Antarctica was placed for the first time on the agenda of the General Assembly during its thirty-eighth session, in 1983. In those days, we adopted consensus resolutions on this issue. However, since 1985 it has become impossible to achieve a consensus in the General Assembly on this issue, because proposed resolutions have come to question the important and effective Treaty system to which many United Nations Members are party. Against this background, as members of the Committee are well aware, the States Parties to the Antarctic Treaty have since then been refraining from participating in the voting on draft resolutions on this item.

Today, however, I am happy to state that this year, for the first time since 1985, a draft resolution has been worked out which, hopefully, can command the consensus of the whole Committee.

This year's draft resolution properly reflects the positive benefits which the Antarctic Treaty provides for the maintenance of international peace and security and promotion of international cooperation. The States Parties to the Antarctic Treaty have always believed that cooperation between nations is the key to the future of Antarctica. The States Parties to the Treaty are pleased that the spirit of cooperation has come to prevail this year, so that a true consensus resolution on this issue has become possible.

I should like to pay high tribute to Malaysia and the States Parties to the Treaty for their tireless and constructive efforts which have resulted in this landmark achievement.

For more than 30 years the Antarctic Treaty has functioned efficiently in coordinating the activities of countries having an interest in the peaceful use of Antarctica. States Parties to the Treaty have reported important progress in the scientific research they have conducted both individually and cooperatively.

The Antarctic Treaty was adopted in 1959 by 12 States; it now has 42 States Parties. Here I wish to underline that the Antarctic Treaty remains open to accession by any United Nations Member State.

The Treaty, which entered into force on 23 June 1961, ensures that in the interest of all mankind Antarctica will forever continue to be used exclusively for peaceful purposes and will not become either the scene or the object of international discord.

The Treaty contains far-sighted provisions to achieve its objectives. These include measures to prohibit military activities, nuclear explosions and the disposal of radioactive waste. The Treaty guarantees freedom of scientific research and promotes international scientific co-operation. It also provides for the exchange of detailed information about activities in Antarctica and allows observers free access to all areas of Antarctica to ensure compliance with the provisions of the Treaty. Thanks to these safeguards, the Treaty has been most successful in achieving its objectives.

Pursuant to the relevant articles of the Treaty, representatives of the Parties meet regularly to exchange information, to consult on matters of common interest and to formulate and recommend to their Governments measures intended to further the objective of the Treaty.

The value of Antarctica as an area for scientific research, particularly research essential for understanding the global environment, was recognized by the United Nations Conference on Environment and Development, held in Rio de Janeiro in June 1992. In acceding to the Treaty, States have committed themselves to the protection of the environment of Antarctica, the largest unspoiled land mass on earth.

As a matter of fact, the most important issues that concern Antarctica today are those that have to do with the environment. The States parties to the Treaty have been aware of these issues since the early 1960s. Thus, in 1964 the parties adopted Agreed Measures for the Conservation of Antarctic Flora and Fauna. As a follow-up to this, two Conventions entered into force — namely, the Convention for the Conservation of Antarctic Seals, and the Convention on the Conservation of Antarctic Marine Living Resources. In addition, the Protocol on Environmental Protection to the Antarctic Treaty was adopted in 1991 in Madrid. This Protocol, which forms an integral part of the Antarctic Treaty, establishes a comprehensive, legally binding regime for environmental protection. The Protocol includes provisions for the prohibition of activity relating to the exploration of mineral resources for purposes other than scientific research and requires that human activities in Antarctica be subject to environmental assessment procedures. It ensures that activities undertaken by States Parties in Antarctica are consistent with the goal of protecting the Antarctic environment and its dependent and associated ecosystems. Among the States Parties to the Treaty which have signed the Protocol a number have already completed the ratification procedures while others have indicated that the legislative procedures in their countries are well advanced, giving us reason to hope that ratification by those countries might be expected in 1994 or 1995.

This year, the Eighteenth Antarctic Treaty Consultative Meeting was held in Kyoto from 11 to 22 April. The Kyoto meeting proved to be fruitful and contributed to furthering the efforts to address a number of issues in a comprehensive manner. Thus it was decided to establish the Transitional Environmental Working Group to prepare for the entry into force of the Protocol.

Among other issues dealt with at the Kyoto meeting were the issues of environmental monitoring and tourism.

First, on environmental monitoring, significant efforts are being made by the States Parties to the Treaty, both individually and collectively, to monitor key environmental parameters in Antarctica which are vital to the understanding of wider global processes. Major research programmes have been established for monitoring, *inter alia*, atmospheric pollution, ozone depletion, and the integrity of the Antarctic ice-sheet and its effects on the rise of the sea level.

To meet the requirements of the Protocol in terms of monitoring the predicted impact of activities in Antarctica, a number of States Parties to the Treaty have undertaken monitoring studies. To meet the request of the Treaty Parties, in addition the Scientific Committee on Antarctic Research and the Council of Managers of National Antarctic programmes have agreed to convene a workshop on monitoring. This will provide a framework for a coordinated, continent-wide monitoring programme which

will be specifically designed to meet the requirements of the Protocol.

Secondly, with regard to the issue of tourism in Antarctica, it should be recalled that the provisions of the Protocol on Environmental Protection to the Antarctic Treaty apply to both governmental and non-governmental activities in Antarctica, including tourism. As a result, the obligations under both article 8 and annex I of the Protocol will have as great a bearing on tourism as on any other activities carried out in Antarctica. The Treaty Parties are confident that tourist operations in Antarctica can be regulated effectively through the implementation of the Protocol, particularly its environmental impact assessment requirements. In fact, commercial tour operators active in Antarctica have already, ahead of the Protocol's entry into force, published and submitted environmental impact assessments of their operations. This is a trend to be welcomed.

To all the Members of the United Nations interested in the future of Antarctica or in developing scientific activities there, we renew our invitation to accede to the Antarctic Treaty and to take advantage of the existing institutions and experiences of the States Parties to the Antarctic Treaty.

I should like to conclude my statement by expressing my full confidence in the draft resolution and the earnest hope that it will be adopted by consensus.

Mr. Hurst (Antigua and Barbuda): This year, 1994, marks the twelfth year of our debate on the question of Antarctica. It may be recalled that in 1982 the debate commenced amidst widespread scepticism; there was little hard scientific data about the substantial role which Antarctica plays in the global environmental system. By 1994, our knowledge of Earth's last and only wilderness continent has increased exponentially. Moreover, increased knowledge of the part played by the Antarctic environment has heightened our countries' commitment to the preservation of its unique and life-sustaining ecosystem.

The Antarctic ice mass is invaluable to science. Its layers tell the story of Earth's several climatic changes and it has captured and retained historic and current levels of pollution. Antarctica has a controlling influence on ocean circulation patterns, global weather patterns and, as a consequence, even food production. The continent itself lies at the hub of our planetary weather system. No other continental ecosystem plays such a critical role. The atmosphere, the ice, the seas and the biota of Antarctica interact in a manner which affects our entire global climate through what scientists call bio-geochemical cycles, deep ocean circulation, atmospheric transport of energy and pollutants, and changes in ice-mass balances.

The seas surrounding Antarctica are rich in planktonic species. The Antarctic convergence zone, as the meeting place of the seas is called, is an admixture of cold and warm waters; it is ideal for creating an abundance of marine life. It produces critical nutrients which in turn are carried for thousands of miles to the oceans as food for fish; the food-chain in the oceans begins in Antarctica. Sully Antarctica's waters and it is possible to bring about a global catastrophe.

There is some evidence suggesting that human activity thousands of miles from Antarctica is impacting on planktonic survival; ozone depletion over Antarctica appears to cause deadly ultraviolet radiation to seep into the seas to the detriment of planktonic life. The burning of fossil fuels in abundance since the start of the industrial revolution 100 years ago has resulted in global warming; increased ocean temperatures may also impact on planktonic production. Global warming may also cause the ice of Antarctica to melt; a global rise in sea level would result. The impact on plankton is not yet known; however, we do know that harmful consequences would result for entire regions, such as my Caribbean, far removed from Antarctica. This fact alone compels our inclusion in the debate.

Learning more about Antarctica is crucial if we are to understand such phenomena as global warming and the depletion of the ozone layer. The Secretary-General, in his report, correctly characterized these phenomena as the unexpected and far-reaching consequences of industrial pollution. It may be recalled that in 1992 an area of severe ozone depletion over Antarctica extended more than 9.4 million square miles, and that remains a cause for considerable concern. But this concern is not limited to Antarctica's atmosphere; our concern is also for the fragility of the Antarctic environment and the ability of that environment to recover from other man-induced changes. Changes in the Antarctic environment are likely to trigger alterations in the climate and the environment in other parts of the world. No country will escape the harmful consequences of these changes.

For 12 years my delegation has repeated variations of these warnings. But since 1982 there has been an increase in human activity on Antarctica. Hunting of penguins, the spread of debris from cruise ships and the daily operations

of scientific research facilities continue to pollute Antarctica. Waste disposal by scientific stations and vessels, pollution from the burning of fossil fuels, spills from vessels and storage tanks, and the burning of combustible wastes in open pits: these are among the main sources of pollution and environmental degradation in Antarctica. The problems associated with pollution from fossil fuels is of particular concern: oil-oxidizing bacteria will not proliferate at temperatures below freezing point; hence, little biodegradation or decomposition can take place in Antarctica, because it is always so very cold.

The 1989 diesel-oil spill from the *Bahia Paraiso* at Palmer Station illustrates the potential for high population mortality among marine life forms, especially when accidents of this magnitude occur at the peak of the hatching season. The more recent report of a fuel leak of some 20,000 gallons of gas-oil could pose a danger to Antarctica's animal life and to the food chain if the oil slick from that leak drains into the sea when the meltdown of ice-mass occurs in the warmer months.

It is against this backdrop that we recall the 1992 United Nations Conference on Environment and Development. The world's nations pledged to reduce environmental degradation collectively, while promoting economic development globally. There is a need to address the consequences of the adverse impact of human activities on Antarctica. My delegation echoes the concern contained in the Secretary-General's report in the form of a question. The question is whether the value of the activities undertaken outweighs the inevitable environmental effects and whether it is possible to minimize these effects without undermining the value of the activities.

The attempt to make Antarctica a base for scientific programmes and for peaceful cooperation between nations is commendable. However, we regret that there does not now exist a comprehensive regime for the protection of the Antarctic environment which would serve the interests of all mankind. The 1991 Madrid Protocol on Environmental Protection and its annexes, which are an integral part of the 1959 Antarctic Treaty, may yet provide some long-term answers for the future of Antarctica and its surrounding areas, provided of course that a number of its provisions are strengthened. We are concerned that the Protocol does not yet have an annex on liability; the Protocol should impose on States a legal obligation to mitigate the effects of an accident. The Madrid Protocol does not provide a functioning mechanism which imposes sanctions on those who may cause harm to Antarctica's fragile terrestrial, glacial and marine environment. We are pleased that, despite its weaknesses, the Madrid Protocol has been adopted by the Antarctic Treaty Consultative Parties, and we call for its rapid ratification in order to ensure its early entry into force.

We note with satisfaction that a number of the specialized agencies of the United Nations were invited by the States Parties to the Eighteenth Antarctic Treaty Consultative Meeting, held in Japan in April. We also welcome the decision of the States Parties to submit to the Secretary-General the final report of that meeting. My delegation is pleased to note that the Executive Director of the United Nations Environment Programme will now be invited to the meetings of States Parties. She has at her disposal a team of experts in the relevant disciplines required for meaningful input during the annual meetings.

Given its immense scientific importance as a treasure trove of data, Antarctica demands a strong United Nations presence. While the Treaty appears to be open to all Member States, in practical terms it is not. Each Antarctic Treaty Consultative Party is required to establish a presence on Antarctica. Forty-two national research stations now burden the hospitable coastline. Try to imagine what the effect of 184 such stations would be. United Nations supervision of the present scientific programmes and projects under way in Antarctica would end the unnecessary duplication, arrest the generation of waste and focus the resources which are now available. Joint research, undertaken following international dialogue and negotiations, would help to minimize the adverse impact of scientific activities on the continent, while spreading knowledge among States Members of the United Nations.

Small island developing States like mine have often indicated our concern with adaptation to and mitigation of the effects of climate change. The Global Conference on the Sustainable Development of Small Island Developing States, held in Barbados in April of this year, was our foremost statement. An improved understanding of the undeniable link between, on the one hand, the Antarctic environment and its dependent and associated ecosystems and, on the other, the global climate will work to the benefit of islands and of all countries. In particular, we note that there is a growing effort to design and implement measures to prevent, or at least mitigate, the adverse environmental effects of global activities.

My delegation concludes with a call for the protection and conservation of the Antarctic environment and its dependent and associated ecosystems; we maintain that the idea of Antarctica as a world park is one whose time has

come. As a world park, Antarctica's fragile environment would be protected; the continent would become an area of peace, free of nuclear and other weapons and of all military activities. Antarctica could be preserved as a symbol of hope, a unique example of humankind's capacity to preserve its past, to safeguard its present and to guarantee a future for generations not yet born.

Mr. Turay (Sierra Leone): Mr. Chairman, allow me to thank you and the Permanent Representative of Malaysia for your constructive opening statements.

My delegation is pleased that the question of Antarctica, which has been debated in this Committee for the past 12 years, continues to be a subject of growing interest in the international community. This is not a surprise to my delegation in view of the world-wide recognition of the need for concerted international action to protect Antarctica's environment, which is one of the objects of the attention of the international community.

My delegation wishes to see this Committee build on this serious concern to bring about the participation of the international community, under the umbrella of the United Nations, in considering and deciding on the future of Antarctica. Antarctica remains the last pristine frontier for mankind in this world. World-wide concerns about the degradation of our planet should not be limited to our backyards alone. Antarctica, given its importance to the well-being of planet Earth, deserves the attention of the United Nations General Assembly.

My delegation welcomes the agreements reached at the Rio Summit, which recognized the value of Antarctica as an area for the conduct of scientific research essential to the understanding of the global environment. We believe that this recognition is important, taking into consideration the fragility of the environment and ecosystems existing in Antarctica, where the scientific research community's activities and their results could produce results of global significance. Vital to any plan for the preservation of the Antarctic environment is the management of solid and hazardous wastes there. Some countries have waste management plans that, if properly implemented, could prevent serious or irreversible environmental damage.

We welcome the Greenpeace 1992/93 Antarctic expedition report, issued in April 1994, which includes an update on the environmental conditions and the continued scientific monitoring of the former World Park Base site. This information is useful for the evaluation and development of future projects that may affect the territorial Antarctic environment.

We also welcome the continued progress in the field of international cooperation towards an improved understanding of the Antarctic environment and its dependent and associated ecosystems. We agree with the Secretary-General's concluding remarks in his report, in which he said:

> "progress continues in the field of international cooperation towards an improved understanding of the Antarctic environment and its dependent and associated ecosystems. In particular, there is increased sensitivity to the environmental consequences of activities in the Antarctic and a growing effort to design and implement measures to prevent, or at least mitigate, the adverse environmental effects of those activities." *(A/49/370, para. 87)*.

My delegation would like to underscore the decision that information from research studies of the Antarctic should be made available. We remain convinced that the United Nations is the best place to provide excellent services for receiving this information and distributing it to Member States and non-governmental research organizations. The international community should build on the positive developments achieved so far to promote the importance of safeguarding the environment on Antarctica and its impact on the global environment.

Sierra Leone regards the Madrid Protocol as a positive first step for increased cooperation between Consultative Party States on environmental matters. It establishes a Committee on Environmental Protection and provides for procedures for the settlement of disputes. Nevertheless, the provision of the Madrid Protocol on Environmental Protection which enables 19 of the 26 Consultative Party States to overturn the ban after 50 years has caused considerable concern among States that are not Consultative Parties. My delegation reiterates its call on the Consultative Party States to reconsider this provision, as it is not fair that the agreement of only 19 Consultative Party States is required before the ban can be lifted.

Given the critical importance and the unique attributes of Antarctica, we reject the exclusive and perhaps discriminatory arrangement which places the fate of Antarctica and, consequently, that of the rest of the world, in the hands of 19 States. Our objection is based on two factors.

First, the high price of entry into the Antarctic Treaty "club" is beyond the means of most States. Consultative Party "club members" are required to maintain an active scientific station in Antarctica.

Secondly, the exercise not only is expensive, and hence exclusionary, but has also resulted in overcrowded conditions in several of the more accessible ice-free areas on that continent. This crowding has led, in turn, to an increased accumulation of atmospheric pollution from vehicles and the emergence of more solid human settlements and activities. In the view of our delegation, it is reasonable to expect 153 other States to join this Treaty, as Antarctica is part of the common heritage of mankind.

While we welcome the decision of the States that are Antarctica Treaty Consultative Parties to submit to the Secretary-General of the United Nations the final report of their meetings, we regret their decision to ignore General Assembly resolutions. Antarctica demands a strong United Nations presence. My delegation reiterates its call for the establishment of a United Nations research station there and an end to the proliferation of such stations. My delegation is of the firm view that the United Nations is the most appropriate body for the control of Antarctica. That being the case, we would request that the Secretary-General or his United Nations Environment Programme (UNEP) representative play a leading role in decisions affecting Antarctica. I repeat: the UNEP representative should play a leading role in decisions affecting Antarctica.

In this connection, we are convinced that the United Nations and its specialized organs have the expertise and world-wide network to receive, compile and distribute whatever information may be needed by Member States and research organizations. The international community should build on the positive developments of the Rio Summit to promote the importance of safeguarding the environment on Antarctica and its impact on the global environment.

We look forward to the holding of seminars and symposiums on the subject by the Antarctic Treaty Consultative Party countries pursuant to the agreement concluded at the Rio Summit. United Nations supervision of the scientific programmes that are currently under way in Antarctica would end unnecessary duplication, arrest the waste and focus on resources that are now available. Research undertaken following international dialogue and negotiations would help to minimize the adverse impact of scientific activities on the continent, while spreading knowledge among States Members of the United Nations.

We certainly hope that the Secretariat of the United Nations, including the Department of Public Information, will continue producing information material on Antarctica. This has helped the public at large to gain a better understanding of the issues involved, specifically on Antarctica's influence on the global environment. The results achieved this year in putting forward a consensus draft resolution are encouraging. We sincerely hope that the support of the Antarctic Treaty Consultative Parties will be forthcoming. Sierra Leone is a co-sponsor of the consensus draft resolution on this item, and we underline the need for the Committee to discuss the item at its fifty-first session.

In conclusion, I should like to emphasize that Sierra Leone is, on the whole, encouraged by the increased international cooperation on the environmental and scientific research in Antarctica, with the gradual involvement of the United Nations. We believe that this will help strengthen the overall climate of peace and cooperation in Antarctica.

Mr. Mongbe (Benin) (*interpretation from French*): Antarctica, a remote, ice-covered continent with an indisputable and definite influence over the world's climate system, over the atmosphere of the planet and over ocean circulation, is the common heritage of mankind, as the General Assembly stated in its 1983 declaration.

The consideration of the question of Antarctica by the First Committee since the General Assembly's thirty-eighth session has made it possible for the community of nations to give scrupulous attention to ensuring that Antarctica will forever be used exclusively for peaceful purposes and will not become the scene or object of international discord. We must not forget that, strategists assure us that this continent could have a decisive effect on a possible battle in the surrounding sea.

The demilitarization and denuclearization of Antarctica became possible, of course, with the signing of the Washington Treaty of 1959, under which Member States of the United Nations — numbering 42 today — simply put on the back burner their age-old conflicts and claims to sovereignty over the continent.

Unfortunately, however, Antarctica remains a bone of contention between Member States of the United Nations and thus a source of potential instability in our world, even as it continues to celebrate the end of the cold war, which was characterized by planetary rivalry and the dangers of global confrontation. Not only has there been discrimination between the States Parties to the Antarctic Treaty and its

Consultative Parties, but most of the members of the international community have been excluded from any involvement with Antarctica, even though this is vital for its survival.

It is unacceptable for the fate of a continent of global importance such as Antarctica to rest solely in the hands of a minority of States. In the interest of international peace and security, it is time that all activities involving Antarctica were conducted under the supreme authority of the United Nations Secretary-General, as he is the representative of the international community and has at his disposal a solid team of experts in various Antarctica-related areas such as hydrography, climatology, seismography and so on.

In his report (A/49/370), the Secretary-General has submitted to us an assessment of international cooperation on Antarctica. The Antarctic Treaty Consultative Parties, which had promised to provide him, on an ongoing basis, with more information and documents relating to all aspects of Antarctica, confined themselves to transmitting to him the final report of their Eighteenth Meeting, held in Kyoto from 11 to 22 April 1994, which indicated cooperation with certain programmes and specialized agencies of the United Nations. But, regrettably, the Secretary-General and his Representative are still not involved in the meetings of the Antarctic Treaty Consultative Parties.

Non-military threats are looming today over the state of the Antarctic environment and its dependent and associated ecosystems. The Secretary-General, in his report to which I have already referred, has sounded the alarm. He states:

> "Despite its remoteness, Antarctica is not immune from the atmospheric pollution of industrialization. In addition to this external source, the human presence in Antarctic contributes to the contamination of the air. As is its atmosphere, Antarctica's terrestrial environment is extremely vulnerable to the effects of human activity. Damage is generally slow to correct itself." *(A/49/370, paras. 16 and 23)*

The adoption of the Madrid Protocol in 1991 reflected the Consultative Parties' awareness of the need to protect Antarctica's environment. Under that Protocol, which has no significant verification measures, prospecting for and mining mineral resources in Antarctica and its environs are prohibited for a period of 50 years. Since no human activity conducted in Antarctica can fail to have some deleterious effect on the environment, this prohibition must be made permanent and steps must be taken, through an international convention, to turn Antarctica into a natural preserve or a world park devoted to peace and scientific research, in the interest of all humankind.

Benin would like to remind the Antarctic Treaty Consultative Parties that, under the terms of their common commitment to the United Nations Conference on Environment and Development, they must, under chapter 7 of Agenda 21, organize yearly a symposium or international seminar on the environment in Antarctica.

Furthermore, the Secretary-General must continue to receive all the support necessary for the publication by the Department of Information of documentation enabling the public at large to become more aware of the importance of Antarctica to a balanced world ecosystem.

The question of Antarctica is one of the major challenges to be met by our Organization, in the interest of stability and well-being for all. The United Nations is coming to an important turning-point in its history when it must be neither indecisive nor inward-looking. Having assessed the importance of this fact, the delegation of Benin, at the General Assembly's forty-eighth session, called on the States Parties to the Antarctic Treaty, as well as on the Consultative Parties, to take a constructive attitude towards Antarctica.

The forty-ninth session will bear the mark of this positive development concerning this matter. The statement made a few moments ago by Ambassador Ismail Razali of Malaysia shows that the States Parties to the Treaty will continue to cooperate with States that have not yet acceded to the Treaty. We found the statement made by Ambassador Hisashi Owada of Japan an eloquent reiteration of what was so well said by the Ambassador of Malaysia. This is a relief to all of us because it is proof of our common desire to see the United Nations turn towards the future by, *inter alia*, reinforced international cooperation.

Benin is very pleased about this and pays tribute to Malaysia and Japan, as well as to all the other States which, by preparing the draft resolution, have helped us to make Antarctica a question of common concern. My delegation pays a special tribute to you, Mr. Chairman, for your efforts to this end. I hope that draft resolution A/C.1/49/L.53 will be recommended by the Committee to the General Assembly without a vote and that the plenary Assembly will act similarly when it comes to the final adoption of this text.

Under the draft resolution, we shall have an opportunity at the fifty-first session of the Assembly to evaluate how much we have achieved together.

I cannot end my statement without applauding the courage and far-sightedness of some non-governmental organizations, such as Greenpeace, which have worked tirelessly to inculcate in all the States Members of the United Nations an understanding of what is at stake in Antarctica.

Mr. Jeelani (Pakistan): If the whole range of complex and interrelated environmental, economic, scientific and security issues pertaining to Antarctica is to be managed successfully, the international community needs to have a common vision of the continent. In our opinion, the only legitimate vision of Antarctica is one that recognizes it as a fragile and critically important ecosystem that needs to be studied and preserved for the benefit of all mankind.

Informed by this vision, Pakistan has consistently taken the position that there should be a permanent ban on prospecting for and on the exploitation of minerals in Antarctica. The signing, in 1991, of the Madrid Protocol on Environmental Protection, which bans prospecting and mining in and around Antarctica for 50 years, was a positive step. However, we continue to hope that the international community will eventually agree to convert this limited ban into a permanent one.

Besides the prevention of large-scale economic activity that might have disastrous and irreversible effects on Antarctica's environment, there is a need for strict regulation of existing activity that poses a growing threat to the continent's ecosystem. In this regard, urgent measures need to be taken to regulate tourism, protect fisheries and prevent and clear oil spillages. Additional regimes might be elaborated to deal with these issues. In addition, consideration might be given to the question of strengthening the Madrid Protocol by appending clauses relating to liability for damage resulting from activities covered by the Protocol.

While eschewing activities that are directed at the economic exploitation of Antarctica, the international community needs to strengthen and coordinate ongoing programmes aimed at scientific study of the continent. Coordinated scientific research on Antarctica is capable of yielding invaluable data regarding global climate, marine resources and the long-term effects of environmental pollution.

Since 1991 Pakistan has been engaged in a sustained and successful programme of research expeditions to the continent. Our scientists have established the Jinnah Antarctic Research Station, which is being used as a staging-point for a broad range of studies. These pertain primarily to the ecology of the polar seas; ice-sheet dynamics; the monitoring of weather conditions; the detection of trace matter in ice, air and sea and its environmental effects; and the geological and geophysical mapping of the area around the station.

The organization and successful management of this research activity has been a challenging task. We are grateful for the cooperation and assistance given to us by a number of friendly countries that are also members of the Antarctic Treaty System. We look forward to continued cooperation with these States in our further endeavours. At the same time, we should like to assure all States that the results of our research will be freely and openly available to the international community.

This Committee's deliberations on Antarctica are of the utmost importance. The decisions that we take are vital for the successful management of the Antarctic continent but, in addition, if wisely arrived at, they will demonstrate that the international community is capable of addressing complex issues in a peaceful and productive manner. That is why we shall welcome the adoption of a consensus draft resolution on the question of Antarctica.

Mr. Nkurlu (United Republic of Tanzania): The uniqueness of the continent of Antarctica is the cornerstone of the future — albeit uncertain — of this significant region, which has preoccupied the First Committee in its deliberations since the item was first taken up in the General Assembly in 1983.

Antarctica, which constitutes more than one tenth of the land surface of the Earth, is a relatively unspoilt wilderness of immense scope and is essential to the health and functioning of the planet's ecosystem. The basically pristine nature of the region provides unique opportunities for research that is crucial to the study of the phenomenon of global change, including global warming and ozone-layer depletion. It is in this context that uncoordinated impacts on Antarctica could adversely affect the world's atmospheric and oceanic systems and threaten the continent's status as the most sophisticated natural global laboratory.

My delegation's main concern is the fragility of Antarctica, which, of late, has become extremely vulnerable to the impact of human activities. An

uninhabited continent three decades ago, the region has gradually become populated by several hundred people, whose activities have produced unwanted chemicals and gases that pollute the atmosphere and cause irreparable damage. As a result, the territorial fresh water and marine ecosystems are becoming extremely untenable because, in Antarctica's incredibly harsh climate, growth is slow, and recovery from such disturbances can take a long time.

In this vein, the study of Antarctica's ice sheets is of vital importance as they constitute the most striking feature of the region. They are the result of the accumulation of snow over the past 100,000 years. Melting of the ice sheets alone could be devastating, as sea levels would be raised to such an extent that low-lying countries, coastal areas and, indeed, islands throughout the world would be wiped out. This is certainly a serious matter, which deserves our utmost attention.

The uniqueness of Antarctica also stems from what it possesses. It is rich in planktonic species which provide a foundation for the marine ecosystem. The Antarctic convergence zone, where cold waters of the Antarctic sink below the warmer waters of the Pacific, provides the environment for explosions of life and nutrients that are carried thousands of miles to other parts of the world.

Now that I have examined the importance, fragility and vulnerability of the Antarctic, it is only fair and pertinent at this juncture to pay special tribute to the Secretary General for his report contained in document A/49/370 of 13 September 1994, which has shed a lot of light on developments pertaining to Antarctica. As the report aptly points out, there is increased sensitivity to the environmental consequences of activities in Antarctica; hence the urgent need to design and implement measures to prevent, or at least mitigate, the environmental degradation of the ever-increasing human activities in the area.

It is equally encouraging to learn that the Antarctic Treaty Consultative Parties, in conformity with resolution 48/80 of 16 December 1993, released their final report on the Eighteenth Antarctic Treaty Consultative Meeting, held in Kyoto last April. We take cognizance of this report, which, among other things, acknowledges the impossibility of achieving uniform application of the Madrid Protocol, which calls for the development of a comprehensive regime for the conservation of the Antarctic environment and dependent and associated ecosystems, in the interest of the global community. The report recognizes the need, given the number of different national legislative approaches, to harmonize interpretations of the Protocol's conditions and to clarify the meaning of certain provisions to facilitate that exercise.

It is against this backdrop that over the last decade Tanzania has joined proponents of Antarctica's management as a common heritage of mankind, in view of the critical importance and unique attributes of the region. In this light, we remain convinced that the United Nations, with its specialized organs, is the most competent and viable body to receive, compile and distribute any pertinent information to Member States and research organizations, because of its diversity in terms of its universal membership, worldwide network and expertise.

Tanzania commends the latest turn of events on this burning issue. Differences which have been manifested for so long between advocates of Antarctica as a common heritage of mankind and the Antarctic Treaty Consultative Parties are being bridged. This year, for the first time in 12 years, we have a consensus draft resolution, and the United Nations will be represented in future sessions of the Antarctic Treaty Consultative Parties by the Executive Director of the United Nations Environment Programme, thus establishing a link between the United Nations and those Consultative Parties. This is a welcome move for us, since we have always held the view that the Secretary-General, with a backup team of experts in various fields, could contribute immensely in deliberations of the Antarctic Treaty Consultative Parties in a number of ways.

However, parties to the Antarctic Treaty need to go an extra mile and fully endorse the United Nations as the most appropriate body to take control of Antarctica in order to achieve the noble global objective of turning this unique continent into a common heritage of the entire international community.

My delegation fully supports the draft resolution before us and underlines the importance and need of this Committee's remaining seized of this item.

Mr. Jusuf (Indonesia): Ever since the General Assembly became seized of the question of Antarctica 11 years ago, the debates in our Committee have articulated both the contributions made by the Treaty of 1959 and the reservations expressed by a number of States concerning its functioning. Thus, Member States from various regions have readily acknowledged, *inter alia*, its role in demilitarization and denuclearization, and especially in the promotion of scientific research. We have also become more fully aware of the fragility and vulnerability of Antarctica's environment and ecosystem, as well as its

relevance to global change and human activities. The reports submitted by the Secretary-General in the past have rightly focused our attention on some of these aspects and contributed to the furthering of our understanding and knowledge of this continental wilderness.

Hence, it is gratifying to note from the Secretary-General's latest report, contained in document A/49/370, that Antarctica continues to play a critical role as a centre for scientific programmes and peaceful cooperation between nations and for an improved understanding of its own environment and dependent and associated ecosystems. In this context, we hope that the Madrid Protocol on Environmental Protection will soon be ratified so that its provisions can be enforced throughout the Antarctic area. This will benefit not only the Antarctic environment but also the whole system.

Concurrently, we should also build on the positive developments of the 1992 Rio Conference in promoting the importance of safeguarding the Antarctic environment. The Antarctic Treaty Consultative Parties' report on the meeting held in Kyoto last April has provided some pertinent information. We gratefully acknowledge the contributions made by a number of interested organizations, which have enhanced our knowledge of the Antarctic region.

As all activities in Antarctica impinge upon the vital interests of all nations, international cooperation has become imperative. We are concerned that without a broadened institutional framework to coordinate the various activities in Antarctica the Treaty will inevitably show signs of stress.

Yet the hopes aroused among Member States that the Consultative Parties will address the inherent flaws and weaknesses of the Antarctic Treaty have been dashed. Thus, efforts for a broad-based framework to deal with the various aspects of Antarctica have been rebuffed. In effect, a minority of States endowed with technological capabilities continue to exclude the vast majority from decision-making processes, although activities in Antarctica will have a world-wide impact. Participation in meetings is, for the most part, restricted, while vital information continues to be meagre. Hence, accountability is lacking. The obligation to conduct scientific experiments and programmes militates against the technologically underprivileged countries. Consequently, we have seen the unacceptable perpetuation of the status quo through the maintenance of a restrictive, unequal and discriminatory regime.

Furthermore, many developing nations remain disappointed at the virtual stalemate in bringing scientific and environmental activities under the multilateral auspices of our Organization. We are oblivious neither of the establishment of an increasing number of scientific research stations, with their potentially disastrous environmental consequences, nor of the growing number of tourists, which presents new threats to Antarctica's pristine environment.

The ecosystem of the South Pacific and the Indian Ocean island nations like Indonesia is inseparable and closely linked to that of Antarctica and would be profoundly affected by unpredictable changes in its environment. It is therefore untenable to assert that the management of Antarctica should remain the sole jurisdiction of a limited number of States.

It bears reiteration that the protection and preservation of Antarctica has become a common and universal concern and can no longer remain the exclusive prerogative of a select group of nations. To Indonesia — and, indeed, to a vast majority of Member States — the principle of universality should be deemed pertinent and relevant in the context of Antarctica. Since our understanding of global changes depends upon a coherent programme in the region on a long-term basis, collaboration among the Member States on issues concerning Antarctica has much to commend it. We therefore agree with the widely expressed view that national scientific expeditions should be replaced by internationally coordinated programmes under the auspices of the United Nations.

What is needed is an open, equitable and accountable framework in which to provide greater access to and wider dissemination of information, increased cooperation between scientists from interested countries and the establishment of an organic link between the Antarctic Treaty system and the United Nations system. Such an approach would ensure coordinated scientific research, environmental protection, respect for wilderness values and the maintenance of Antarctica as an area of peace and cooperation for posterity.

In short, the management of Antarctica should necessarily be viewed in the wider global context of the collective responsibility of all nations. The sustained interest in the concept of Antarctica as a natural reserve or world park has heightened our hopes for the future of that continent. The global community has a solemn obligation to ensure that the last great frontier on Earth be managed on the basis of international cooperation and in the interest

of all mankind. By recognizing the legitimacy of the concerns of all nations and harmonizing our actions, we can further advance the common objectives of the Treaty. Ultimately, our aim is to ensure that Antarctica will forever remain a conduit for cooperation between nations in this interdependent world.

Before concluding, I should like to say that we welcome the efforts made by the delegations of Malaysia and Japan, as well as by you, Mr. Chairman, which will once again lead to the adoption of a draft resolution (A/C.1/49/L.53) by consensus. My delegation regards this development as a positive sign and one that augurs well for our continuing endeavours to seek even larger areas of agreement in the future pertaining to the question of Antarctica.

The Chairman (*interpretation from Spanish*): We have heard the last speaker in the debate on this item.

I am pleased to report that the intensive consultations held over the past few days among the delegations most directly concerned with the question of Antarctica, have concluded successfully and that I am now able to submit to the First Committee for its consideration draft resolution A/C.1/49/L.53.

I should point out the following:

The preamble to the draft resolution reaffirms that the management and use of the continent should be conducted in accordance with the purposes and principles of the Charter and in the interest of maintaining international peace and security and of promoting international cooperation for the benefit of mankind as a whole. It further recognizes that the Antarctic Treaty provides for the demilitarization of the continent, the prohibition of nuclear explosions and the disposal of nuclear wastes, the freedom of scientific research and the free exchange of scientific information.

The preamble also takes into account the importance of the Protocol on Environmental Protection to the Antarctic Treaty, which states that the development of a global system for the protection of the Antarctic environment is in the interest of mankind as a whole, since, given its influence on atmospheric and ocean currents as well as on climatic conditions, that continent plays a critical role in the world environmental system.

The preamble to the draft resolution also notes that the Madrid Protocol lays down fundamental principles for the protection of the Antarctic environment in the promotion of peace and scientific research. The preamble therefore affirms the conviction that, in the interest of all mankind, Antarctica should continue forever to be used exclusively for peaceful purposes and that it should not become the scene or object of international discord.

One of the key aspects under constant consideration has been the need to provide the Secretary-General with information on meetings of the Antarctic Treaty Consultative Parties and on their activities, in addition to the information which they must provide on developments in relation to Antarctica. This is reflected in operative paragraph 2 of the draft resolution.

Operative paragraph 4 is of particular importance, in that it urges the Antarctic Treaty Parties to extend invitations to the Executive Director of the United Nations Environment Programme to attend future consultative meetings. There is no doubt that the participation of that senior official will be very valuable in the substantive work of those meetings.

Operative paragraph 5 of the draft resolution reiterates ideas expressed in paragraph 5 of resolution 48/80. It was considered indispensable to reiterate the particular importance of chapter 17 of Agenda 21, adopted by the United Nations Conference on Environment and Development. In addition, paragraph 6 urges the Antarctic Treaty Consultative Parties to take into account the outcomes of the Rio Conference.

The draft resolution basically draws upon the principle of international cooperation. It bears in mind that the Antarctic Treaty system is unique in promoting and regulating scientific cooperation, resource conservation and environmental protection. Antarctica should continue to be a centre for scientific programmes and for cooperation for peaceful purposes among nations.

As the Secretary-General has stated in his report:

> "there is increased sensitivity to the environmental consequences of activities in the Antarctic and a growing effort to design and implement measures to prevent, or at least mitigate, the adverse environmental effect of those activities" *(A/49/370, para. 87)*.

This draft resolution reflects the increased efforts of the First Committee following 11 years of consideration of this topic. That is why the delegations concerned hope that

it will be adopted by the Committee without a vote, and I join in that hope.

(Spoke in English)

The Committee will now take a decision on draft resolution A/C.1/49/L.53, which I have just introduced. I propose that the draft resolution be adopted without a vote.

May I take it that the Committee wishes to adopt this draft resolution?

Draft resolution A/C.1/49/L.53 was adopted.

The Chairman: The Committee has thus concluded its work on agenda item 67, entitled "Question of Antarctica", and its consideration of all the agenda items allocated to it by the General Assembly.

Concluding statement by the Chairman

The Chairman *(interpretation from Spanish):* The General Assembly has stipulated that the forty-ninth session should suspend on 20 December 1994 at the latest and end on Monday, 18 September 1995. It has recommended that the Main Committees complete their work before 2 December 1994. Now that we have concluded the consideration of our programme of work before the date recommended by the General Assembly, I wish to reiterate what I said in my statement on Friday 17 December — that the results achieved to date are due basically to the spirit of cooperation and friendly and sincere understanding that has guided all delegations in presenting their positions and defending their interests.

I also wish to highlight the important work done by the Vice-Chairmen and the Rapporteur of the Committee — Mr. Yoshitomo Tanaka of Japan and Mr. Thomas Stelzer of Austria and Mr. Peter Goosen of South Africa, respectively. They have made possible important achievements through their initiatives and efforts to ensure coordination. I wish in particular to express the Committee's and my own gratitude to the Secretary-General of the Conference on Disarmament, Mr. Vladimir Petrovsky, and the Director of the Centre for Disarmament Affairs, Mr. Prvoslav Davinic, who have always given decisive assistance to us in our work.

Our work has benefited also from the invaluable cooperation of Mr. Sohrab Kheradi, the Secretary of the Committee, who has always made available to us his invaluable wide experience. I also wish to express the Committee's and my own gratitude to the entire dynamic Secretariat team, which has been consistently attentive and solicitous in fulfilling our requirements. We also thank the interpreters, who have always demonstrated understanding and good will in assisting us in our work, as well as all the staff members involved in the preparation of records and press releases and in the distribution of documents. I thank them all for their untiring efforts.

The meeting rose at 5.05 p.m.